DOCUMENT RESUME

ED 125 181 EC 090 384

TITLE A Handbook on the Legal Rights of Handicapped People.
INSTITUTION President's Committee on Employment of the Handicapped, Washington, D.C.
PUB DATE 76
NOTE 96p.

EDRS PRICE MF-$0.83 HC-$4.67 Plus Postage.
DESCRIPTORS *Civil Liberties; Civil Rights; *Court Cases; Equal Education; Exceptional Child Services; *Federal Legislation; Guidelines; *Handicapped; Handicapped Children; Resource Guides; *State Legislation

ABSTRACT

Summarized and organized for easy reference are federal and state (Virginia, Maryland, and the District of Columbia) laws and results of court cases regarding the rights of the handicapped in the areas of architectural barriers, benefits, civil rights, education, employment, hospital and medical matters, housing, insurance, transportation, vocational rehabilitation, and lawyers and organizations. Provisions are organized within each category by locality. Sources of further information or procedures for filing a complaint are provided whenever appropriate. Also included are lists of lawyer referral services, legal aid societies, and other resources. (DB)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

A Handbook on the Legal Rights of Handicapped People

President's Committee on Employment of the Handicapped Washington, D. C. 20210

ED125181

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

Foreword

We're proud to point in America to "a government of laws and not of men . . ." But the laws—however fair, well-written and inclusive—are only as effective as they are known to the people for whom they are intended.

A good deal of legislation has been enacted by the Federal and State governments to insure legal rights and provide beneficial services to handicapped individuals. To partake of these programs and services requires a working knowledge of their availability and eligibility requirements.

It is important that handicapped persons become aware of laws enacted at all levels to assist them in overcoming the problems they face daily in such areas as employment, education, housing, transportation, and so forth. We hope that through this handbook on legal rights, handicapped persons will become informed of appropriate legislation intended to better their status in life, and encouraged to take advantage of provisions designed to assist them.

For making this publication possible, the President's Committee on Employment of the Handicapped is grateful to the authors, Diana Elmes and Thomas Herrmann, third year law students at The Catholic University of America and The George Washington University, respectively. Prior to an interruption by military service obligations, another Catholic University law student, Edward Shomaker assisted in the research task. I also want to acknowledge the constructive advice and financial assistance of the District of Columbia Rehabilitation Association. Part of the production cost of this booklet was funded by a grant awarded to the D. C. Rehabilitation Association by the National Rehabilitation Association.

While the Handbook is a summary of Federal, District of Columbia, Maryland and Virginia laws, designed to aid handicapped citizens of the Washington metropolitan area, it is hoped that this project will serve as a model and impetus for similar regional handbooks around the country. Equipped with knowledge of their legal rights, handicapped persons will be in a better position to obtain full citizenship and full employment.

Harold Russell

Introduction

Handicapped citizens have fundamental rights guaranteed to them by law. This handbook attempts to outline these rights as they exist in the District of Columbia, Maryland, and Virginia.

Legal rights are sometimes misunderstood simply because laws are often written in a complex and complicated manner. We have tried to simplify the laws as much as possible without changing what the law actually says. Because there will be questions on how any one law affects your particular situation, we have listed CONTACT offices under each subdivision of legal rights. We urge you to use them.

Administration of laws is sometimes rather confusing. In some cases, agencies are specifically designated to handle complaints and to see that a law is enforced. The Architectural and Transportation Barriers Compliance Board is an example of such an enforcing agency. However, sometimes a law is enacted without any specific enforcement provision. We have tried to pinpoint the agencies which have the greatest responsibility for and knowledge of the various laws. In those few cases where the law stands without an office having enforcing responsibility, the Attorney General's office has been listed as the CONTACT point. If you have a complaint about a law being violated, the Attorney General's office may be able to give you advice and help. However, this office will not necessarily be able to solve your problems. A private law suit may eventually be the only solution to full enforcement of your legal rights.

Handicapped citizens should not be shy or reluctant about seeking to assert their rights to the fullest. Infringements on legal rights are illegal. Yet, it is only when handicapped citizens start taking constructive action, that changes will occur. Voice your complaints, whenever violations of the law become known to you. When you call an office or agency about a problem, make sure that you receive a helpful and responsive answer. In the final analysis, it is up to you to assert your rights and to make sure that they are not violated.

About This Book

- The laws described in this book were chosen on a selective basis. Laws which were considered of lesser importance, those which outlined a service or program rather than a "right", or those which were aimed at special groups within the handicapped community (such as disabled veterans) were omitted for the sake of conciseness.
- It should be noted that the rules and regulations of federal and state offices and agencies were also omitted from this book (motor vehicle regulations, for example). This was done because rules and regulations are rarely binding as law, and they are often subjected to change.
- Each law is followed by a "citation". This "citation" indicates where the law may be found in the federal or state code. The United States Code as well as the legal codes of the District of Columbia, Maryland and Virginia may be found in most large libraries (the Library of Congress, Law School libraries, or county libraries, for example). Should you wish to look up a particular law, the "citation" will help you find it in the pertinent federal or state code.
- Should you wish to obtain an actual copy of the law, contact:

For *Federal laws:*

House or Senate Document Room
U S. Capitol
Washington, DC 20510
(Requests must be in writing and include the Public Law number);

or

Your U. S. Representative's Office;

or

Any law library

In the *District of Columbia*

Martin Luther King Library
Washingtonia Division
901 G Street, N.W.
Washington, DC 20001
(District of Columbia laws)

If you are unable to get to the library because of your handicap, copies may be requested at no charge from:
Special Services Division
District of Columbia Public Library
901 G Street, N.W.
Washington, DC 20001
Phone: (202) 727-2142

In Maryland:

The Department of Legislative Reference
P. O. Box 348
Jeffrey Building
16 Francis St.
Annapolis, MD 21404
Phone: (301) 261-2500, Ext. 5561
(state legislation)

Montgomery County:
Office of Legislative Information
County Office Building, 2nd Floor
Rockville, MD 20850
Phone: (301) 279-1224
(state legislation from the last two years)

Prince Georges County:
Delegation Office
4811 Riverdale Road
Riverdale, MD 20840
Phone: (301) 779-2170
(present state legislation)

In Virginia:

Arlington County:
All branches of the Arlington County Public Library have copies of the Virginia Code.
If you are unable to get to a library because of your handicap, copies may be requested, at a cost of 10¢ per page from:

Homebound Services
Arlington County Public Library
1015 North Quincy St.
Arlington, VA 22201
Phone: (703) 527-4777

Fairfax County:
All branches of the Fairfax County Public Library, with the exception of the Carter Glass, Herndon, and Engleside branches, have copies of the Virginia Code.
If you are unable to get to a library because of your handicap, copies may be requested, at a cost of 10¢ per page from any branch. Special services to the handicapped are provided by:

The King's Park Branch
9000 Burke Lake Road
Springfield, VA 22151
Phone: (703) 978-5600

- CONTACT offices' addresses and phone numbers are current as of September 1, 1975. However, since offices often move and phone numbers change, you may encounter some difficulties. If this should happen, you usually will be able to get the proper address and phone number by contacting telephone information.
- Laws are enacted by your representatives in Congress, the state legislatures, and county councils. If you have a problem that a CONTACT office cannot help you with, or else you want to see further legislation enacted benefiting handicapped people, contact your local representatives. You may obtain the names and addresses of your legislators from the following League of Women Voters offices:

District of Columbia

League of Women Voters of the District of Columbia
1346 Connecticut Ave., N.W., Rm. 730
Washington, DC 20036
Phone: (202) 785-2616

Maryland

League of Women Voters of Montgomery County
1047-R Rockville Pike
Rockville, MD 20852
Phone: (301) 424-4393

League of Women Voters of Prince Georges County
6525 Belcrest Road
Hyattsville, MD 20782
Phone: (301) 779-0775

Virginia

League of Women Voters of Northern Virginia
246 East Maple Ave.
Vienna, VA 22180
Phone: (703) 938-8800

- Some areas of the law can be changed only by action by the United States Congress, (rail transportation, for example). Other areas are left to the state legislatures to act upon (driver's licenses, for example). Therefore, when a topic that is under exclusive federal jurisdiction is discussed, mention of state law is simply omitted. In addition, when a topic that is under exclusive state jurisdiction is discussed, mention of the federal law is omitted. However, when a subject area may be acted upon by either the federal or state government, and they have failed to enact legislation, mention will be made of that fact, under the heading, "No law."

Contents

Architectural Barriers Page 1

Benefits Page 9

Civil Rights Page 17

Education Page 29

Employment Page 41

Hospital and Medical Matters Page 53

Housing Page 69

Insurance Page 75

Transportation Page 81

Vocational Rehabilitation Page 89

Lawyers and Organizations Page 97

Architectural Barriers

The way in which a building or facility is constructed can greatly affect its usability by handicapped citizens. Features, as a flight of stairs into a building, or narrow restroom stalls, or an absence of tactile directional signs for the visually handicapped tend to bar handicapped people from many public places. In addition, thoughtless exterior design, such as curbs can be barriers to free movement across street intersections, for people in wheelchairs.

A number of laws have been passed which attempt to eliminate architectural barriers in new buildings, and along new sidewalks. Congress, as well as the Maryland and Virginia legislatures, has passed laws requiring all publicly financed buildings or facilities to be accessible to handicapped individuals. In addition, the Virginia and Maryland access laws apply to *all* new buildings intended for public use even if constructed with private funds.

In most cases, the laws themselves do not spell out all of the standards which must be met by architects and builders. However, the exact accessibility specifications are available upon request from the CONTACT offices listed.

Unfortunately, the laws dealing with architectural barriers do not require older buildings or sidewalks to meet accessibility standards. However, when buildings or sidewalks are substantially renovated or reconstructed, they must be made accessible to handicapped persons.

Many architects and builders are still unaware of the laws requiring accessibility; therefore, it is very important for handicapped people to watch for violations of the law and report them to the appropriate CONTACT office.

You can help build a barrier-free environment by reading the laws that follow and making sure that they are applied to buildings and other facilities in your area.

Accessibility of Public Buildings

The Federal Law

3

Federal Buildings

- Any building constructed or leased in whole or in part with federal funds must be made accessible to and usable by the physically handicapped.
- This law applies to any building designed, constructed or altered after standards of accessibility were developed by the General Services Administration, the Department of Housing and Urban Development, and the Department of Defense.
- Accessibility standards do not apply to privately owned residential structures, or military facilities constructed primarily for use by able bodied military personnel.

U.S. Code, Title 42, Section 4151 through 4156, (Public Law 90-480: Architectural Barriers Act of 1968).

Architectural and Transportation Barriers Compliance Board

- The Architectural and Transportation Barriers Compliance Board was

established to insure compliance with standards prescribed by the General Services Administration, The Department of Defense, and the Department of Housing and Urban Development for federal buildings and facilities.

- The Board will conduct investigations, hold public hearings, and issue orders it deems necessary to insure compliance with the standards of accessibility.
- Any order of the Board given to a federal agency or department is final and binding. Any building found not to be in compliance with the accessibility standards may have its construction funds cut off.

U.S. Code, Title 29, Section 792, (Public Law 93-112, Section 502: Rehabilitation Act of 1973; Public Law 93-516, Section 111: Rehabilitation Act Amendments of 1974)

Accessible Transportation in Washington-Metropolitan Area

- The Architectural Barriers Act of 1968 (see above) has been amended to apply to mass transportation facilities in the Washington DC Metropolitan area.

U.S. Code, Title 42, Section 4151, (Public Law 91-205)

CONTACT: For further information or to file a complaint, The Architectural and Transportation Barriers Compliance Board, Washington, DC 20201. Phone: (202) 245-1801.

The District of Columbia Law

Bill Under Consideration

- The DC City Council is presently considering enactment of a bill which will require all new buildings, except single family dwellings, to be accessible to the physically handicapped.

CONTACT: For further information or to file a complaint, Councilman Julius Hobson's Office , The District Building, 14th and E Sts. NW, Washington, D.C. 20004 . Phone : (202) 347-3076.

The Maryland Law

All New Buildings

- A state building code was adopted May 15, 1975 which requires that all new buildings and facilities be accessible and usable by the physically handicapped.
- The Department of Economic and Community Development had responsibility for developing the new code.
- Enforcement of the code is left to local governments.

Maryland Code, Article 41, Section 257 JK

Government Funded Buildings

- All public buildings constructed after July 1, 1968 by the State, counties, or local governments, must provide facilities for the handicapped.
- "Public building" means any building, structure, or improved area owned or constructed for lease by the State or local government.
- "Facilities for the handicapped" include ramps, handrails, elevators, wide doors, specially treated floor surfaces, and similar designs, conveniences, and devices which facilitate the health, safety or comfort of handicapped persons.
- Minimum required standards for facilities for handicapped persons in public buildings will be published by the Board of Public Works through the Department of Public Improvements.

Maryland Code, Article 78A, Section 51

Public Facilities

- State accessibility standards apply to improvement of areas used for gathering or amusement, such as public parks, particularly regarding toilet facilities, ramps, building entrances, drinking fountains, parking, and walks.
- Accessible facilities must be marked by a symbol saying: "Usable by the Physically Disabled."

Maryland Code, Article 78A, Section 51

Transportation Accommodations

- State accessibility standards apply to public transportation accommodations supported by public funds allocated to mass transit, (i.e. terminals, stations, etc.).

Maryland Code, Article 78A, Section 51

5

Education Facilities

- State accessibility standards apply to all educational facilities constructed with public funds, or owned or operated by the State, counties, or local governments.

Maryland Code, Article 78A, Section 51

CONTACT: For further information;

— **On construction by the State, including University buildings, The Department of General Services, the Office of Engineering and Construction, State Office Building, 301 W. Preston Street, Baltimore, MD 21201. Phone: (301) 383-2444.**

— **On the Maryland Building Code standards, The Department of Economic and Community Development, Director of Codes Administration, 2528 Riva Road, Annapolis, MD 21401. Phone: (301) 267-5087.**

— **On construction in Montgomery County, The Department of Environmental Protection, the Division of Construction Permits, 6110 Executive Blvd., Rockville, MD 20852. Phone: (301) 881-2095.**

— **On construction in Prince George's County, The Department of Licenses and Permits, the Engineering Division, 5012 Rhode Island Ave., County**

Service Building, Hyattsville, MD 20781. Phone: (301) 779-3850.

— **On construction of public schools, Public School Construction Program, International Tower Building, 6510 Elkridge Road, Linthecum, MD 21091. Phone: (301) 796-4420.**

The Virginia Law

All Public Buildings

- The State Board of Housing is responsible for developing accessibility standards that will be applied to all newly constructed buildings which are places of public accommodation. These standards will be completed in the fall of 1975.
- "Public accommodation" includes theaters, restaurants, supermarkets, and apartments.

Virginia Code, Section 2.1-109.03

Government Funded Buildings

- All buildings which are constructed or altered after 1970 with State, county, or local government funds, must be accessible to physically handicapped persons.
- "Physically handicapped persons" include people using wheelchairs, blind people, and deaf people.
- "Building" means building or facility used by the public.
- The Division of Engineering and Buildings is responsible for standards used in construction or alteration of State financed buildings other than schools.
- Local governing bodies are responsible for standards used in construction or alteration of locally funded buildings.

6

Virginia Code, Section 2.1-109.01 through 2.1-109.07

Education Facilities

- The Board of Education is responsible for accessibility standards used in construction or alteration of public school buildings.

Virginia Code, Section 2.1-109.03

CONTACT: For further information;

— **On construction by the State, Division of Engineering and Building, Administrative Office, 209 North Street Office Building, Richmond, VA 23219. Phone: (804) 770-3263.**

— **On standards to be applied to all new buildings, The Office of Housing, 6 North 6th Street, Richmond, VA 23219. Phone: (804) 770-7891.**

— **On construction in Arlington County, The Chief Building Inspector, 1400 North Courthouse Road, Arlington, VA 22201. Phone: (703) 558-2721.**

— **On construction in Fairfax County, The Chief Building Inspector, 1055 Main Street, Fairfax, VA 22030. Phone: (703) 691-2748.**

— **On construction of public schools, Department of Education, School Building Service, Box 6 Q, Richmond, VA 23219. Phone: (804) 770-2621.**

Curb Cuts and Ramps

The Federal Law

Access Across Curbs

- The Secretary of Transportation may not approve any State highway program which does not provide for adequate and reasonable access for the safe and easy movement of the physically handicapped across curbs.
- "Physically handicapped" specifically includes those individuals confined to wheelchairs.
- This curb cut requirement applies to all curbs constructed or replaced at pedestrian crosswalks on or after July 1, 1976.

U.S. Code, Title 23, Section 402, (Public Law 93-87: Federal Aid Highway Act of 1973)

CONTACT: For further information, Director, Office of Highway Safety, Department of Transportation, Federal Highway Administration, Washington, DC 20590. Phone: (202) 462-1153.

The District of Columbia Law

No Law

- The District of Columbia presently has no law regarding the ramping of curbs.

The Maryland Law

Access to New Sidewalks

- Curbs or sidewalks at intersections which are constructed or reconstructed after July 1, 1974 must have ramps or curb cuts graded onto crosswalks.
- These ramps or curb cuts must be at least 40 inches wide, and constructed to allow reasonable access to the crosswalk for physically handicapped persons.
- Ramps or curb cuts may not be required if the State Highway Administration determines that:
  A. they would be contrary to public safety,
  B. their cost would be excessively disproportionate to the need or their probable use, or
  C. the sparsity of population, or the existence of other available alternatives demonstrate an absence of need for the ramp or curb cut.

Maryland Code, Article 78A, Section 51

CONTACT: For further information;
- **On Montgomery County sidewalks, The Department of Transportation, 6110 Executive Blvd., Rockville, Maryland 20952. Phone: (301) 770-0868.**
- **On Prince George's County Sidewalks, The Department of Public Works**

7

and Transportation, Bureau of Engineering, 8400 D'arcy Road, Forestville, MD 20028. Phone (301) 350-3000.

— **On sidewalks along state highways (roads having numbers), The State Highway Administration, District Engineer, 9300 Kenilworth Ave., Greenbelt, MD 20770. Phone: (301) 345-7100.**

The Virginia Law

Access to New Sidewalks

- Every new sidewalk built after January 1, 1975, must have at least two curb ramps per block leading to the crosswalks at intersections.
- Care must be taken to insure that blind pedestrians are given some signal when a sidewalk meets a crosswalk.

Virginia Code, Section 15.1-381

CONTACT: For further information;

— **On Arlington County sidewalks, the Operations Division of the Department of Transportation, 1400 Courthouse Road, Arlington, VA 22201. Phone: (703) 588-2551.**

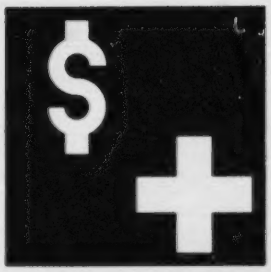
— **On Fairfax County sidewalks, the Resident Engineer of the Virginia Department of Highways and Transportation, P.O. Box 429, Fairfax, VA 22030. Phone: (703) 273-0660.**

— **On city sidewalks, the city public works, or transportation department.**

8

Benefits

Because handicapped people often have medical and other expenses which prove to be a financial burden, numerous laws have been enacted to compensate them.



The Federal government has instituted a far-reaching social security system. Handicapped individuals may be eligible for various disability benefits, medicare, and/or supplementary security income. In addition, the Small Business Administration may grant loans to handicapped persons attempting to start a business, or to certain businesses employing handicapped people.

The states as well as the Federal Government have all enacted certain tax benefits for handicapped people. These benefits range from sales tax exemptions on medical supplies, to income tax deductions on Federal Income Tax returns.

Maryland, DC, and Virginia have also enacted legislation which makes it financially easier for a prospective adopting parent to adopt a handicapped child. Subsidized adoption provides for maintenance, and medical grants for the benefit of a handicapped child up for adoption.

The laws outlined in this section deal strictly with payment and financial benefits. Social services are not included as "benefits."

These benefits represent a right to handicapped persons who qualify for them. We therefore urge those people who believe they are eligible for any benefits to call or write the appropriate CONTACT office.

Social Security Benefits

The Federal Law

Disability Benefits

11

- An individual may be eligible for disability insurance benefits if he has a disability, and files an application.
- "Disability" is defined as an inabilty to engage in any substantial gainful activity because of a physical or mental impairment which may result in death or which has lasted or can be expected to continue for at least one year.
- The individual must furnish medical and other evidence of his disability.

U.S. Code, Title 42, Section 423

Referral to Rehabilitation Services

- When an individual qualifies for disability benefits, he shall be referred to his state vocational rehabilitation agency for vocational rehabilitation services.
- When an individual refuses without *good cause* to accept these services, deductions may be made from his disability payments.
- Refusal to accept services because of an adherence to a recognized church or religious sect which teaches its members to rely solely on prayer for treatment of physical or mental impairments, is considered *good cause.*

U.S. Code, Title 42, Section 422

Medicare

- Every individual who has attained age 65 may be entitled to hospital insurance benefits.
- An individual who has not yet reached age 65, but has been entitled to disability insurance benefits for two years, or child's, widow's, or widower's benefits because of a disability, shall be entitled to hospital insurance benefits.
- Payments may be made to cover inpatient hospital services, post-hospital extended care services, and post-hospital home health services.

U.S. Code, Title 42, Section 1395

Supplementary Security Income (SSI)

- An individual who is blind or disabled, and who only has a limited amount of income and resources, may be eligible for supplemental security income benefits.
- No person, who is in a public institution will be eligible for these benefits.
- No person may be eligible for these benefits, if he is a drug addict or alcoholic, unless he is undergoing appropriate treatment, and is complying with the terms and conditions of the treatment.
- If an individual receives SSI benefits, he shall be referred to his state vocational rehabilitation agency. The agency shall review at least quarterly, the individual's disability and his need for and utilization of rehabilitation services.
- No individual shall be eligible for SSI benefits if he refuses without good cause to accept vocational rehabilitation services.

U.S. Code, Title 42, Section 1381 through 1382d

12

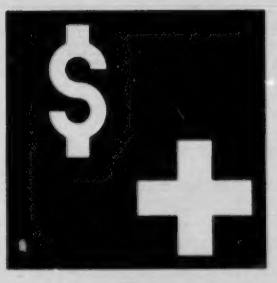
CONTACT: For further information, your local Social Security Office:

— **District of Columbia, 709 8th St., S.E.; 2826 Alabama Ave, S.E.; 5325 East Capital St.; 1325 K St., N.W.; 1302 Rhode Island Ave., N.E.; 1244 Taylor St., N.W. Phone: (202) 953-3600.**

— **Maryland, 5801 Annapolis Road, Bladensburg; 8113 Fenton St., Silver Spring; 416 Hungerford Drive, Rockville; 6400 Old Branch Ave., Camp Springs. Phone: (202) 953-3600.**

— **Virginia, 701 W. Broad St., Falls Church; 825 South Washington St., Alexandria. Phone: (202) 953-3600.**

Business Benefits



The Federal Law

Loans to the Handicapped

- The Small Business Administration makes business loans where other financial assistance is not available on reasonable terms.
- These loans are given to:
  1. Assist any handicapped individual in establishing, acquiring or operating a small business concern.
  2. Assist certain businesses which employ handicapped individuals.
- The SBA loan shall not exceed $350,000, and shall be at an interest rate of 3% a year, for a term not to exceed 15 years.

U.S. Code, Title 15. Section 636, (Public Law 92-595)

CONTACT: For further information, the Small Business Administration, the Washington District Office, 1030 15th Street, N.W., Washington, D.C. 20417. Phone: (202) 382-3525.

Tax Benefits

The Federal Law

13

Income Tax Deduction

- Individuals who maintain a household which includes a dependent or spouse who is physically or mentally incapable of caring for himself, may deduct expenses for household services and for attendant care of the handicapped person.
- Expenses may be deducted only when they are incurred to enable the taxpayer to be involved in gainful employment.

U.S. Code, Title 26, Section 214 (Public Law 92-178)

Exemption for Blindness

- Every taxpayer who is blind, or whose spouse is blind, is entitled to an income tax exemption of $750.
- The determination of whether a person is blind is made at the end of the taxable year.

U.S. Code, Title 26, Section 151d

CONTACT: For further information;
— The Internal Revenue, District Office, 31 Hopkins Plaza, Baltimore, MD

21201. Phone: (202) 488-3100.
— Or any local Internal Revenue Office.

The District of Columbia Law

Sales Tax Exemption

- A sales tax will not be imposed upon prescription medicines and drugs, crutches, wheelchairs, eyeglasses, or artificial devices designed for handicapped persons (including artificial limbs, artificial eyes, hearing aids, false teeth, and braces).

District of Columbia Code, Section 47-2605

CONTACT: For further information, The Department of Finance and Revenue Tax Administration, Sales and Use Tax Division, 300 Indiana Avenue, N.W., Washington, DC 20001. Phone (202) 629-4735.

The Maryland Law

Sales Tax Exemption

- There is a sales tax exemption on medicine and medical supplies sold on a doctor's prescription. The exemption covers crutches, artificial devices designed for handicapped people, and sick room equipment.

Maryland Code, Article 815, Section 326

14

Property Tax Exemption for Disabled Veterans

- The property of any veteran who is a resident of Maryland, was honorably discharged from the armed forces, and has a permanent 100% service connected disability, is exempt from taxation.
- In the event of the veteran's death, the spouse will keep the exemption from taxation until remarriage, as long as the spouse remains the owner of, and resides on the property.

Maryland Code, Article 81, Section 9

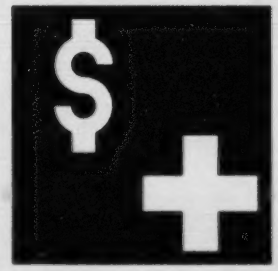
Property Tax Exemption for the Blind

- The assessment on the value of property owned by blind persons shall be reduced by $6000.
- In the event of the blind person's death, the spouse shall retain the exemption until remarriage, as long as the spouse remains the owner of and resides on the property.
- "Property" refers to a one or two family dwelling which is the legal residence of the person entitled to the exemption, plus adjacent property.

Maryland Code, Article 81, Section 9

CONTACT: For further information,

- **On sales tax, The State of Maryland Comptroller of the Treasury, Retail Sales Tax Division, 5408 Silverhill Road, Suitland, MD 20021. Phone: (301) 568-1555.**
- **On Montgomery County property tax exemption, The Department of Assessment and Taxation, Personal Property Office, 50 Monroe Street, Rockville, MD 20850. Phone: (301) 279-1329.**
- **On Prince Georges County property tax exemption, The Prince Georges County Assessment Department, Courthouse, Upper Marlboro, MD 20870. Phone: (301) 627-3000.**



The Virginia Law

Sales Tax Exemption

- Purchases of medicines and medical supplies prescribed by licensed doctors are exempt from sales taxes. The tax exemption covers prescriptions, crutches, braces, eye-glasses, hearing aids, prosthetic devices, and orthopedic appliances.

Virginia Code, Section 58-441.6

CONTACT: For further information, The Virginia Department of Taxation, Northern Virginia District Office, 6231 Leesburg Turnpike, Falls Church, VA 22044. Phone (703) 534-5791.

15

Financial Assistance When Adopting Handicapped Children

The D. C. Law

Special Benefits

- Adoption subsidy payments may be made to an adoptive family on behalf of a child with special needs.
- "Child with special needs" includes a child who is difficult to place in adoption because of a physical or mental condition.
- An adoptive family may qualify for subsidy when it is capable of providing a permanent family relationship in all areas except financial.

District of Columbia Code Section 3-115

CONTACT: For further information, The Adoption Office of the Department of Human Resources, 122 C Street, N.W., Washington, DC 20001. Phone: (202) 629-5641.

The Maryland Law

Special Benefits

- The Department of Employment and Social Services may authorize adoption subsidy payments to parents who adopt certain children with special needs.
- The amount and duration of the subsidy may vary according to the needs of the child and the income of the adopting parents.
- Payments may cover maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and other costs necessary for the child's care and well-being.

Maryland Code, Article 88A, Section 60B.

CONTACT: For further information, The Social Services Administration, 1315 St. Paul Street, Baltimore, MD 21202. Phone: (301) 383-2604

The Virginia Law

Special Benefits

- Persons adopting a physically, mentally or emotionally handicapped child may be able to obtain financial assistance from the State for support and care of the child.
- Special services provided to the handicapped child, such as medical care, hospitalization, therapy, and treatment may be paid for by the State through local welfare boards.
- All payments will end when the child reaches age twenty-one, or when need no longer exists.

Virginia Code Section 63.1-238

16

CONTACT: For further information, The Adoption Service Specialist, State Department of Welfare, Division of Social Services, P. O. Box K-176, Richmond, VA 23288. Phone: (804) 770-8861.

Civil Rights

Every citizen has certain fundamental rights. Among these rights are the right to vote, and the right to move freely within society. Handicapped citizens cannot be denied these rights merely because they are handicapped.

Discrimination on the basis of disability is prohibited in all activities receiving financial assistance from the Federal Government. The District of Columbia, Maryland and Virginia have enacted basic anti-discrimination legislation, which makes it illegal to refuse handicapped persons admission to public places.

Any handicapped individual who has been denied admission to a restaurant, movie house, hotel, or any other public facility should file a complaint. Such a denial of access is illegal.

DC, Maryland, and the Federal Government have established agencies specifically designed to process complaints, and, if necessary, file suit in court against anyone who discriminates against handicapped citizens. Unfortunately, Virginia has, as yet, no statewide agency equipped to handle such complaints. Therefore, acts of discrimination in Virginia should be reported to the Attorney General's office, since it is the responsibility of this office to enforce Virginia's laws. However, the Attorney General's office will not file suit on behalf of handicapped citizens. Therefore, in Virginia, it may be necessary for an individual who has been discriminated against to file suit in court on his own.

Because voting is such a fundamental right, the various legislatures have enacted a number of special laws which allow handicapped individuals to cast their ballot with greater ease. Handicapped voters should make use of those provisions in the election law which allow assistance in the voting booth and/or the casting of absentee ballots. The basic right to vote should not be denied to any handicapped citizen.

The laws that follow in this section deal with the right of access and with voting. However, a third area is included within "Civil Rights", namely, the special rights of blind and deaf persons. Because mobility is considered a protected right, DC, Maryland and Virginia have granted blind persons certain privileges which will allow increased mobility with safety. And because so many other rights depend upon effective communication, Maryland and Virginia have special provisions that help bridge the communication gap between hearing and deaf people in certain courtroom situations.

Remember that your citizenship itself has granted you the rights outlined in this section. The laws that follow simply make the exercising of your rights a little easier.

Right of Access

The Federal Law

Discrimination Prohibited

- No qualified handicapped person shall because of his handicap,
  (1) be excluded from participation in any program or activity receiving federal funds, or
  (2) be denied the benefits of any program or activity receiving federal funds, or

(3) be discriminated against in any program or activity receiving federal funds.

U.S. Code, Title 29, Section 794 (Public Law 93-112, Section 504: Rehabilitation Act of 1973)

CONTACT: For further information, or to file a complaint, The Office of Civil Rights, Dept. of Health, Education, and Welfare, The Office of New Programs, 330 Independence Ave., S.W., Washington, DC 20201. Phone (202) 245-9177.

The District of Columbia Law

Full Use of Public Places

- Physically disabled persons have the same right as other people to the full use of streets, sidewalks, public buildings, public facilities, and public places.
- The right of full access covers places of public accommodation (i.e. hotels, amusements, etc.), transportation (i.e. airplanes, railroads, buses, boats, etc.), and other places generally open to the public.
- Anyone who denies a physically handicapped person admission to any public facility may be imprisoned up to 90 days or fined up to $300, or both.

District of Columbia Code, Section 6-1501, 6-1502, 6-1506 (White Cane Law)

Right to Sales, Services and Other Privileges

- It is illegal to discriminate against a handicapped person by denying him full and equal enjoyment of goods, services, facilities, and privileges offered in places of public accommodation.
- Published statements which indicate that full enjoyment of public accommodations will be denied handicapped citizens are also illegal.
- "Handicapped" includes persons who are physically or mentally disabled.

District of Columbia Rules and Regulations, Title 34, Section 15.1, (Human Rights Law)

CONTACT: For further information or to file a complaint, The D.C. Office of Human Rights, 14th and E Street, N.W., Washington, DC. Phone: (202) 629-5331, 629-5332, or 629-5333.

The Maryland Law

Use of Public Places

- It is illegal for a place of public accommodation to refuse use and privileges of the public facility because of physical or mental handicap.
- Public accommodations include places of lodging (i.e. hotels, motels, inns, etc.), places which sell food or alcoholic beverages, (i.e. restaurants, lunchrooms, soda fountains, etc.) and places of entertainment (i.e. movie houses, theaters, concert halls, sports arenas, etc.)

Maryland Code, Article 49, Section 11

Right of Blind to Full Use of Public Places

- Blind and visually handicapped persons have the same right as other people to the full use of streets, sidewalks, public buildings, public facilities, and other public places.
- The right of full access covers places of public accommodation (i.e. hotels, amusements, etc.), transportation (i.e. airplanes, railroad, buses, etc.), and other places generally opened to the public.
- Anyone who denies a blind or visually handicapped person admission to any public facility is guilty of a misdemeanor and may be fined up to $50.

Maryland Code, Article 30, Section 23, (White Cane Law)

Right to Sales, Services and Other Privileges

- It is illegal for any person or business licensed by the State to discriminate against, or deny any person when rendering services, sales, or other privileges, because of physical or mental handicap.

Maryland Code, Article 49 B, Section 11C

CONTACT: For further information or to file a complaint, The Maryland Human Relations Commission, Metro Plaza, Mondawmin Mall, Baltimore, MD 21215. Phone: (301) 383-3680.

The Virginia Law

Full Use of Public Places

- Physically disabled persons have the same right as other people to the full use of streets, sidewalks, public buildings, public facilities, and public places.
- The right of full access covers places of public accommodation (i.e. hotels, amusements, etc.), transportation (i.e. airplanes, railroads, buses, boats, etc.), and other places generally opened to the public.
- Anyone who denies a handicapped person admission to any public facility is guilty of a misdemeanor.

Virginia Code, Section 63.1-171.2 through 63.1-171.4 (White Cane Law)

CONTACT: For further information, The State's Attorney General, Supreme Court Building, 1101 East Broad Street, Richmond, VA 23219. Phone: (804) 770-2071.

Voting

The District of Columbia Law

Voter Registration

- Qualified voters who are physically unable to appear at the place of registration, may request "special registration."
- Upon approval of the request by the Board of Elections, a representative of the Board will visit and register the qualified handicapped citizen.
- Persons unable to see, read, or write may be assisted in completing their registration forms.

District of Columbia Rules and Regulations, Title 22 Section 1.13, 1.16

Assistance to Voters

- Voters may be assisted in marking their ballots provided election officials agree that there is a need for assistance.
- Upon request of a voter needing assistance, either an official of the polling place, or a person of the voter's choice, or both must assist the voter. Persons assisting voters in casting their ballots may *not* disclose how the voter voted.

District of Columbia Rules and Regulations, Title 22 Section 1.56

Special Voting

- A qualified voter who, because of limitation of health, wishes to vote in a precinct other than the one assigned to him, may do so, using a special ballot.
- Special ballots will be counted in the precinct assigned to the voter.

District of Columbia Rules and Regulations, Title 22 Section 1.43

Shut-In Voting

- A registered voter who is unable to vote in person at his polling place, because of his physical condition, may request a "shut-in ballot".
- Such a request must be received in writing by the Board of Elections at least 7 days before the election.

District of Columbia Rules and Regulations, Title 22 Section 1.42

CONTACT: For further information, The DC Board of Elections, 14th and E Street NW, Washington, DC 20004. Phone: (202) 347-0488.

The Maryland Law

Voter Registration

- Anne Arundel, Baltimore, Howard, Harford, Prince George's and Montgomery counties have programs to register voters by mail. Voters may also, of course, register in person.
- Once a voter is officially registered, he automatically re-registers each time he votes at the polls.
- Qualified voters who have physical disabilities which prevent them from re-registering, are allowed to re-register by casting an absentee ballot.

Maryland Code, Article 33, Section 3-1, 3-7

Assistance to Voters

- Blind or otherwise physically disabled voters who are unable to mark their ballot or operate the voting machine without assistance, may have assistance.
- Disabled voters must declare under oath that they need assistance.
- Voters needing assistance may select any person or two election officials of opposite political parties to enter the voting booth and mark the ballot or operate the machine.
- Prompting or suggestion from the voter's assistants is illegal.

Maryland Code, Article 33, Section 16-12

Absentee Voting

- Qualified voters whose physical disability prevents them from personally voting at the polls on election day may vote by absentee ballot.
- A blind or physically disabled voter who is unable to mark his absentee ballot and sign the required oath, may select any person to assist him in completing the absentee ballot.

Maryland Code, Article 33, Section 27-2

CONTACT: For further information, The State Administrative Board of Election Laws, 210 Main Street, Annapolis, MD 21401, Phone: (301) 261-2525 ext. 5711, or your county board of elections.

The Virginia Law

Voter Registration

- Persons who are physically disabled need not sign their registration application form.

Virginia Code, Section 24.1-42

Voter Assistance

- Voters who are physically unable to prepare their ballots may have assistance if they so request.

- Disabled voters may select one election official stationed at the polls to aid in casting a ballot.
- Blind voters are entitled to bring any person of their choice into the polling booth.
- Persons assisting voters in casting their ballots may *not* disclose how the voter voted.

Virginia Code, Section 24.1-132

Voting Outside the Booth

- If a handicapped voter finds it difficult to enter the voting booth, he may cast his vote on a paper ballot supplied by the elections officer at the place of voting.
- This paper ballot may be brought 150 feet outside of the polling place, (i.e. to an individual in a car).

Virginia Code, Section 24.1-129

Absentee Voting

- Registered voters who are ill or physically unable to attend the polls on election day may vote by absentee ballot.
- Absentee ballots must be marked without assistance in the presence of a witness.

Virginia Code, Section 24.1-227, 24.1-232

CONTACT: For further information, The State Board of Elections, 101 South Finance Building, Richmond, VA 23219. Phone: (804) 770-6551, or your county board of elections.

24

Rights of the Blind

The District of Columbia Law

Guide Dog

- A blind person may take his dog guide into any place that is open to the public. An extra charge for the dog is illegal, but the dog's owner is responsible for property damaged by the dog.

District of Columbia Code, Section 6-1502, (White Cane Law)

Failure to Use Cane or Dog Guide

- Blind persons who do not use canes or guide dogs will *not* automatically be considered negligent if they are involved in an accident.

District of Columbia Code, Section 6-1503 (White Cane Law)

Duty of Drivers to Blind Persons

- All drivers have a duty to take all necessary precautions to avoid injury to blind pedestrians.

District of Columbia Code, Section 6-1503 (White Cane Law)

CONTACT: For further information;

— **The American Council for the Blind, 818 18th Street, NW, Washington, DC, Phone: (202) 833-1251, or**

— **The National Federation of the Blind, DuPont Circle Building, 1346 Connecticut Ave., NW, Washington, DC Phone: (202) 785-2974.**

The Maryland Law

Guide Dog

- A blind or visually handicapped person may take his dog guide into any place that is open to the public. An extra charge for the dog is illegal, but the owner is responsible for property damaged by the dog.

Maryland Code, Article 30, Section 33 (White Cane Law)

Failure to Use Cane or Dog Guide

- Blind and visually handicapped persons who do not use canes or guide dogs will not automatically be considered negligent if they are involved in an accident.

Maryland Code, Article 30, Section 33 (White Cane Law)

Duty of Drivers to Blind Persons

- At any intersection or crossing, where there is no traffic light or traffic officer, any blind person who extends a cane before him or is accompanied by a guide dog, shall have the right of way.
- When a blind person is crossing the street, all vehicles shall immediately come to a full stop, and remain stationary until the person has crossed.

Maryland Code, Article 66½, Section 11-504.1

CONTACT: For further information;

— **The American Council for the Blind, 181 18th Street, NW, Washington, DC, Phone (202) 833-1251, or**

— **The National Federation of the Blind, DuPont Circle Building, 1346 Connecticut Ave. NW, Washington, DC Phone: (202) 785-2974.**

The Virginia Law

Guide Dog

- A blind person may take his dog guide into any place that is open to the public. An extra charge for the dog is illegal, but the owner is responsible for property damaged by the dog.

Virginia Code, Section 63.1-171.2 (White Cane Law)

Failure to Use Cane or Dog Guide

- Blind persons who do not use canes or guide dogs will *not* automatically be considered negligent if they are involved in an accident.

Virginia Code, Section 46.1-240, 63.1-171.3 (White Cane Law)

Duty of Drivers to Blind Persons

- All drivers have a duty to stop at any intersection where a blind pedestrian is attempting to cross the street.
- Drivers have a duty to take all necessary precautions to avoid injury to blind pedestrians.

Virginia Code, Section 46.1237, 63.1-171.3 (White Cane Law)

CONTACT: For further information;
— **The American Council for the Blind, 818 18th Street, NW, Washington, DC, Phone: (202) 833-1251, or**
— **The National Federation of the Blind, DuPont Circle Building, 1346 Connecticut Ave., NW, Washington, DC, Phone: (202) 785-2974.**

Rights of the Deaf

26

The District of Columbia Law

No Law

- The District of Columbia has not enacted any legislation specifically designed to protect the rights of deaf people.

The Maryland Law

Interpreters in Court

- Where a party or witness at a court proceeding is deaf, any person may apply to the court for the appointment of a qualified interpreter to assist the deaf person.
- The deaf party or witness will not have to pay the cost of the interpreter.
- Interpreters are also available at insanity or mental health commitment proceedings.

Maryland Code, Article 27, Section 623 A

CONTACT: For further information, Center for Law and the Deaf, 7th Street and Florida Ave., NE, Washington, DC 20002. Phone: (202) 447-0445.

The Virginia Law

Interpreters in Court

- In any criminal case in which a deaf person is the accused, the judge shall appoint a qualified interpreter.
- The deaf person will not have to pay the cost of the interpreter.

Virginia Code, Section 19.1-246.1

CONTACT: For further information, Center for Law and the Deaf, 7th Street and Florida Ave., NE, Washington, DC 20002. Phone: (202) 447-0445.

Education

In recent years, courts have held that all children are entitled to a free public school education. Handicapped children have an equal right to educational opportunities. All children can benefit from some type of educational program, no matter how seriously handicapped they are. Therefore, it is incumbent on local school systems to provide quality educational services and programs for handicapped children. However, it is often up to parents and others to make sure that handicapped children are getting the best possible educational services and programs.

Where a public school system does not have the proper education program suited to the child's needs, then the child must be provided with adequate alternative services. This may consist of special home-study arrangements or placement in a state or private special education facility. In these types of situations, the children may be entitled to special education or tuition grants.

In determining what is the best educational program for a handicapped child, both the child and the parents are entitled to due process protection under the Constitution of the United States. In other words, every special education placement, denial of placement, or transfer must be preceded by adequate notice to the parents, and an opportunity for an impartial hearing on the placement of the child. In addition, there must be a yearly review of the child's status, progress, and the adequacy of the child's education program. Parents must determine whether both they and their children are receiving these rights.

The following laws and court cases have helped to insure that handicapped children receive the best education possible. However, it is up to parents to find out what special education services and programs are available, and compare them to the education their children are receiving. It is important for parents to contact their local schools in ascertaining their children's needs, and the type of education programs available. In addition, state and county special education departments are generally knowledgable and responsive to parents seeking information about special education programs and services.

Duty to Educate Handicapped Children

The Federal Law

Education of Handicapped Children

- All states receiving federal funds to assist in the education of handicapped children must set a goal of providing full educational opportunities to *all* handicapped children.
- The state must set a detailed timetable and prepare a state plan for accomplishing such a goal.
- Washington D.C., Maryland, and Virginia all receive federal funds.

U.S. Code, Title 20, Section 1412
(Public Law 93-380: Education Amendments of 1974)

Parent/Guardian Participation

- The state must insure that handicapped children and their parents receive procedural safeguards in decisions regarding the identification, evaluation and educational placement of handicapped children.
- This must include:
  A. Notice to the parents or guardian of a child before the educational placement of a child is changed.
  B. An opportunity for the parents or guardian to obtain an impartial hearing, examine all relevant records, and obtain an educational evaluation of the child.

U.S. Code, Title 20, Section 1413
(Public Law 93-380: Education Amendments of 1974.)

Safeguarding the Child's Interests

- The state must insure that handicapped children are educated, to the maximum extent possible, with children who are not handicapped.
- The state must also insure that special classes, separate schooling or other removal of handicapped children from the regular education environment occurs only when the nature or severity of the handicap is such that education in regular classes cannot be achieved satisfactorily.
- Testing and evaluation materials and procedures used to classify and place handicapped children must be selected and administered so as not to be racially or culturally discriminatory.

U.S. Code, Title 20, Section 1413
(Public Law 93-380: Education Amendments of 1974.)

32

Head Start Program

- At least 10% of the total enrollment opportunities in every state in the Head Start Program shall be available to handicapped children.
- Services shall be provided to meet their special needs.

U.S. Code, Title 42, Section 2809
(Public Law 92-424, 92-644: Economic Opportunity Amendments)

CONTACT: For further information;

— **On state requirements for education of handicapped children, Deputy Commissioner for Education of the Handicapped, Office of Education, Bureau of Education for the Handicapped, 400 Maryland Ave., SW, Washington, DC 20201. Phone: (202) 245-9661.**

— **On state plans for education of the handicapped, State Plan Officer-Region 3, Office of Education, Bureau of Education for the Handicapped, Aid to States Branch, 400 Maryland Ave., SE, Washington, DC 20201. Phone: (202) 245-9661.**

— **On Head Start, Director of Medical Services, Project Head Start, P.O. Box 1182, Washington, DC 20013. Phone: (202) 755-7944.**

The District of Columbia Law

Right to Public Education

- The District of Columbia must provide to every child of school age a free and suitable publicly supported education, regardless of the degree of the child's mental, physical, or emotional disability or impairment.
- Children may not be excluded from a regular public school assignment unless they are provided adequate alternative educational services suited to the child's needs.
- Alternative educational services may include special education classes, or tuition grants.
- The alternative chosen must be reviewed periodically in order to evaluate the child's progress and the adequacy of the special education services.
- A hearing on the child's status, progress and the adequacy of any educational alternatives is necessary before excluding a child from his regular assignment.

Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (1972) (The Waddy Decision)

CONTACT: For further information;

— **Information Center for Handicapped Children, 1619 M Street, NW, Washington, DC 20036. Phone (202) 347-4986, or**

— **Associate Superintendent of Special Education, Division of Services for the Handicapped, 415 12th Street, NW, Washington, DC, Phone: (202) 629-2441.**

The Maryland Law

Right to Public Education

- Local Boards of Education have a duty to maintain a public school system designed to provide quality education and equal education opportunity for all youth.
- All children have a right to educational programs.

Maryland Association for Retarded Children v. State of Maryland, Equity No. 100-182-77676 (Circuit Court, Baltimore City, MD, March 3, 1974)

Special Education for Handicapped Children

- Each county Board of Education is responsible for identifying handicapped children who need special education services, and for arranging for appropriate education facilities and services.
- Where the public school system does not provide these services, the county shall arrange with a nonpublic school to provide these services.

Maryland Code, Article 77, Section 100B, 106

Transportation of Handicapped Children

- The county board of education will provide transportation during the school year for handicapped children enrolled in a public school, or a nonpublic educational facility which is approved by the State Department of Education.
- If the educational facility is located outside of the State, or area where the child resides, then the county Board of Education will pay the cost of daily or other reasonable transportation.

Maryland Code, Article 77, Section 100B, 106

Duty of Department of Mental Hygiene to Educate

- The Department of Mental Hygiene must provide educational programs to meet the needs of any physically or mentally handicapped child in its custody.

Maryland Code, Article 43, Section 12A

Handicapped Children

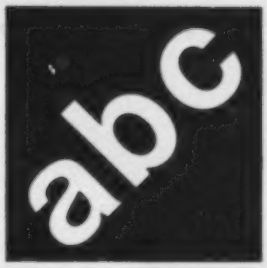
- The State Board of Health must make every effort to have each physically handicapped child examined by a State health officer or a physician.
- The examination is directed toward discovering 1) the nature and extent of the physical disability, 2) whether or not the child is physically able to care for himself without assistance, 3) whether or not the child can be "properly or advantageously" educated in regular public schools, and 4) whether or not the child ought to have clinical, therapeutic, or hospital treatment.
- Each child will be classified according to the nature and degree of disability.
- The child's classification, and recommendations will be reported to the State Board of Education and the county Board of Education where the child resides.

Maryland Code, Article 43, Section 12

CONTACT: For further information;

- **On Statewide programs and non-public special education, Coordinator, Special Placement Section, Special Education, Maryland State Department of Education, P.O. Box 8717, Baltimore-Washington Airport, Baltimore, MD 21240. Phone: (301) 796-8300 ext. 463.**
- **On Montgomery County Special Education programs, Director of Special Education, Division of Special Education, Montgomery County Public Schools, 850 Hungerford Drive, Rockville, MD 20850. Phone: (301) 279-3171.**
- **On Prince Georges County Special Education Programs, Special Education Department, Prince Georges County Public Schools, Upper Marlboro, MD 20870. Phone: (301) 627-4860.**
- **On education programs in state hospitals, facilities, and institutions, Supervisor-Educational Services, Maryland Department of Health and Mental Hygiene, 201 West Preston St., Baltimore, MD 21201. Phone: (301) 383-5591.**

— **On education programs for deaf children, The Maryland School for the Deaf, 101 Clarke Place, Frederick, MD 21701. Phone: (301) 662-4159.**
— **On education programs for blind children, The Maryland School for the Blind, 3301 Taylor Ave., Baltimore, MD 21236. Phone: (301) 444-5000.**



The Virginia Law

Special Education for Handicapped Children

- The State Board of Education shall establish a special education program to educate and train handicapped children from 2 to 21 years of age.
- In addition, every local school division shall provide special education programs for handicapped children.

Virginia Code, Section 22-10.4, 10.5

Special Education Programs for Visually Impaired Children

- Special education classes for visually impaired children will be provided by local school divisions and the Virginia Commission for the Visually Handicapped.
- A program of special education services and programs will be prepared and offered by the Virginia Commission for the Visually Handicapped, in addition to special education classes, designed to meet the needs of visually impaired children between birth and age twenty-one.

Virginia Code, Section 22-10.7

Transportation of Handicapped Children

- All handicapped children attending a special education program shall be entitled to have transportation to and from class provided by the public school.
- Alternatively, the school board may assist in paying for other means of transportation.
- In addition, the school board may sometime provide transportation or funds to transport handicapped children to private, non-sectarian schools.

Virginia Code, Section 22-10.11

Handicapped Children in Private Schools

- Where a handicapped child cannot receive appropriate special education from his local school division, or a state school or institution, the child may attend a private, non-sectarian school for the handicapped, which is approved by the State Board of Education.
- The State will reimburse the parents for a portion of the costs they incur.

Virginia Code, Section 10.8

Children in State Residences and Institutions

- All children in residence or custody of state agencies or institutions shall be provided with education and training equal to that offered by public school systems.

Virginia Code, Section 22-10.8

CONTACT: For further information;

— **On State-wide programs, and non-public special education, Director, Division of Special Education, State Department of Education, Richmond, VA 23216. Phone: (804) 770-2681.**

— **On Education Programs for the Deaf, Virginia Council for Deaf, 4915 Radford Ave., Richmond, VA 23230. Phone: (804) 770-6487.**

— **On Education Programs for the Visually Impaired, VA Commission for the Visually Handicapped, City Bank and Trust Company Building, 206 N. Washington, St., Alexandria, VA 22314. Phone: (703) 549-0360.**

— **On Arlington County Eligibility and Placement, Placement Specialist-Special Education, Education Center, 1426 N. Quincy St., Arlington, VA 22207. Phone: (703) 558-2530.**

— **On Arlington County Special Education Programs, Programs Specialist-Special Education, Education Center, 1426 N. Quincy St., Arlington, VA 22207. Phone: (703) 558-2848.**

— **On Fairfax County Special Education Programs, Coordinator Special Education Division, Fairfax County Public Schools, 10700 Page Ave., Fairfax, VA 22030. Phone: (703) 691-2476.**

36

Attendance

The District of Columbia Law

Children Excused

- Children who are mentally or physically unable to benefit from attendance at school may by excused from attending by the D.C. Board of Education.
- Ability to benefit from school will be determined by an examination ordered by the Board.
- If examination shows that a child may benefit from special education, then the child must attend special education classes.

District of Columbia Code, Section 31-203

Duty of Parents

- Parents and other persons having custody of children between the ages of 7 and 16 have a duty to see that the children receive regular educational instruction.

District of Columbia Code, Section 31-201

CONTACT: For further information;

— **Information Center for Handicapped Children, 1619 M St., NW, Washington, DC 20036. Phone: (202) 347-4986, or**

— **Associate Superintendent of Special Education, Division of Services for the Handicapped, 415 12th St., NW, Washington, DC. Phone: (202) 629-2441.**

The Maryland Law

Deaf and Blind Children

- Every child who is between 6 and 18 years of age, is partially, or totally, deaf or blind, and unable to progress satisfactorily in ordinary schools, shall attend a school or classes for the deaf or blind.
- Every person having such a child under his control shall have the child attend a school or receive special instruction.
- This requirement is waived where the child is receiving proper instruction elsewhere.
- This requirement does not apply where a child's physical condition makes instruction impossible.
- Any person who induces a deaf or blind child to absent himself from school, or who employs or harbors such a child while school is in session, shall be guilty of a misdemeanor.

Maryland Code, Article 77, Section 104, 105, 106

CONTACT: For further information;

— **On State-wide attendance programs for Handicapped Children, Coordinator, Special Placement Section, Special Education, Maryland State Department of Education, P.O. Box 8717, Baltimore-Washington Airport, Baltimore, MD 21240. Phone: (301) 796-8300 ext. 463, or,**

— **Your local special education program.**

The Virginia Law

Duty of Parents

- All parents are required to have their children attend school.
- When the local public school system does not have a special education program suited to the handicap of a child, this requirement is waived.

Virginia Code, Section 22-275.6

Deaf and Blind Children

- All visually or hearing impaired children from the ages of 6-17 shall be required to attend a special school for the blind or a special education class or program in the public schools.
- This requirement does not apply to children whose physical or mental condition makes this instruction impracticable.

- Any child enrolled in such a program prior to his 17th birthday shall be required to continue until age twenty, or until all the offered courses are completed.

Virginia Code, Section 22-275.5

CONTACT: For further information, your local special education program.

Discrimination

The Federal Law

Placement of Children

- Testing and evaluation materials and procedures used to classify and place handicapped children must be selected and administered so as not to be racially or culturally discriminatory.

U.S. Code, Title 20, Section 1413,
(Public Law 93-380: Education Amendments of 1974)

CONTACT: For further information, State Plan Officer-Region 3, Office of Education, Bureau of Education for the Handicapped, Aid to States Branch, 400 Maryland Ave., SW, Washington, DC 20201. Phone: (202) 245-9661.

The District of Columbia Law

Illegal Discrimination

- It is illegal for an educational institution to discriminate against a handicapped person by denying him the use of its facilities and services.
- "Handicapped" includes persons who are physically or mentally disabled.

District of Columbia Rules and Regulations
Title 34, Section 17.1 (Human Rights Law)

CONTACT: For further information or to file a complaint, The Office of Human Rights, 14th and E Streets, NW, Washington, DC. Phone 629-5331, 629-5332, or 629-5333.

The Maryland Law

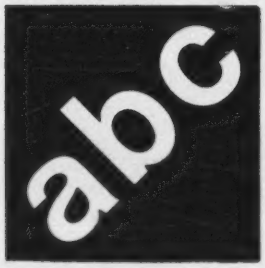
No Law

- Maryland has not enacted legislation specifically designed to prevent discrimination in education.

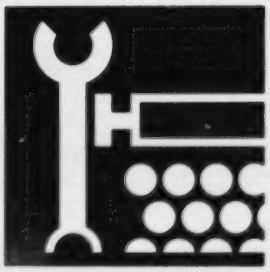
The Virginia Law

No Law

- Virginia has not enacted legislation specifically designed to prevent discrimination in education.



Employment



Handicapped persons seeking employment are often the victims of discrimination. Frequently, a handicapped person is not recognized as being as qualified to perform a job as an ablebodied individual. Many times this premise is unfounded.

The District of Columbia, Maryland, and Virginia, have enacted laws which prohibit discrimination against handicapped persons in empioyment. When a handicapped person feels that he has been discriminated against, he should assert his rights, and complain to the appropriate CONTACT office. These agencies were established to fight for his rights. However, in Virginia, since no agency is directed to combat employment discrimination, the individual may have to bring a private suit against the employer in court.

Through the years, the U.S. Congress has passed several laws dealing with the employment rights of handicapped persons. Federal agencies and federal contractors (with contracts over $2,500) must take affirmative action in hiring and advancing qualified handicapped individuals. In addition, the Federal government has established several programs designed to foster the employment of handicapped persons. Handicapped persons should investigate the provisions of these programs to determine their applicability to any particular situation.

Should a worker be injured while engaged in employment, he may be eligible for workmen's compensation. All jurisdictions have Workmens' Compensation Commissions which determine claims for benefits.

Because equal opportunities for employment are essential to full integration into society, it is vitally important for handicapped citizens to assert their right to achieve their full potential. Therefore, handicapped persons must be aware of the law as it relates to equal employment opportunity.

Employment Counseling

The Federal Law

United States Employment Service

- The United States Employment Service must develop a national system of employment offices for men and women, including employment counseling and placement services for handicapped persons.

United States Code, Title 29, Section 49b
(68 Statutes 665: Wagner-Peyser Act)

CONTACT: For more information;

— **In the District of Columbia, D.C. Manpower Administration, 500 C St., NW, Washington, DC 20001. Phone (202) 393-6151.**

— **In Montgomery County, Maryland, Maryland State Employment and Unemployment Security, 11262 Georgia Ave., Wheaton, MD 20902. Phone (301) 949-5300.**

— **In Prince Georges County, Maryland, Maryland State Employment and Unemployment Security, 6811 Kenilworth Ave., Riverdale, MD 20840. Phone (301) 779-2770.**

— **In Virginia, Virginia Employment Commission, 728 S. Washington St., Alexandria, VA 22313. Phone (703) 549-9120.**

Affirmative Action in Employment

The Federal Law

Federal Employment for Handicapped Individuals

- Each Federal Agency shall submit to the Civil Service Commission an affirmative action program for the hiring, placement, and advancement of handicapped individuals. This plan shall be updated and reviewed annually.

U.S. Code, Title 29, Section 791 (Public Law 93-112, Section 501: Rehabilitation Act of 1973)

Employment by Federal Contractors

- Any employer who has a contract in excess of $2,500 with an agency or department of the Federal government must, in employing persons to carry out such contract, take affirmative action to employ, and advance in employment, qualified handicapped individuals.
- If a handicapped individual believes that an employer has failed to comply with the provisions of his contract with the U.S., relating to the employment of handicapped individuals, the individual may file a complaint with the Department of Labor.
- The law requires the Department of Labor to promptly investigate the complaint.

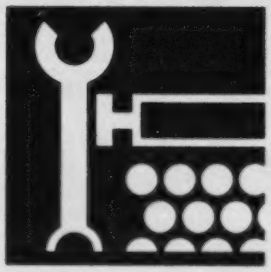
U.S. Code, Title 29, Section 793 (Public Law 93-112, Section 503: Rehabilitation Act of 1973)

CONTACT: For further information;

— **On the affirmative action plans of individual federal agencies, the Selective Placement Officer at each agency.**

— **On the Affirmative action plans of federal contractors, Handicapped Workers Task Force, Department of Labor, 200 Constitution Ave., NW, Washington, DC 20210. Phone: (202) 523-9021.**

Employment Programs for the Handicapped



The Federal Law

Federal Government Employment

- There shall be an Interagency Committee on Employment of the Handicapped to be co-chaired by the Secretary of Health, Education and Welfare and the Chairman of the Civil Service Commission.
- The purpose of the committee is to provide a focus for Federal and other employment of handicapped individuals, and to review in cooperation with the Civil Service Commission, the adequacy of hiring, placement, and advancement practices relating to handicapped individuals in the Federal Service.

U.S. Code, Title 29, Section 791, (Public Law 93-112, Section 501: Rehabilitation Act of 1973)

Employment Opportunities for the Blind and Other Handicapped Persons

- Sheltered workshops serving blind and severely handicapped persons shall receive special preference in bidding on government contracts for products and services.
- At least 75% of the direct labor involved in making the commodity or providing the service must be performed by blind or other severely handicapped persons.

U.S. Code, Title 41, Section 46-48C, (Public Law 92-28, 93-358: Wagner-O'Day Act)

Employment Opportunities for Blind Individuals

- Blind individuals are given priority to operate vending stands on Federal property.
- Where feasible, at least one blind vending facility shall be located on each Federal property.
- A blind individual with a complaint is entitled to a full hearing by the State licensing agency, and if he is dissatisfied with the decision, he may file a complaint with the Secretary of Health, Education, and Welfare, who is required to convene an arbitration panel.
- 100% of all income over $3000 annually, from vending machines which are in direct competition with a blind vending facility, shall accrue to the blind vender or to the licensing agency.
- Uniform and effective training programs must be provided to blind

individuals, and state agencies must provide programs of upward mobility training, and follow-along services for all trainees.

U.S. Code, Title 20, Section 107 through 107l (49 Statutes 1559; Randolph-Sheppard Act and Amendments)

CONTACT: For further information;

- **On federal employment opportunities; Inter-agency Committee on Employment of the Handicapped, Office of Selective Placement, Civil Service Commission, 1900 E St., NW, Washington, DC 20415. Phone: (202) 632-5687.**
- **On Wagner-O'Day Act Program; Committee on Purchase from the Blind and Other Severely Handicapped, 2009 14th St., North, Arlington, VA. Phone: (703) 557-1145.**
- **On sheltered workshops for severely handicapped; National Industries for the Severely Handicapped, 4350 East-West Highway, Washington, DC 20014. Phone: (202) 654-0115.**
- **On sheltered workshops for the blind; National Industries for the Blind, 1455 Broad Street, Bloomfield, NJ 07003. Phone: (201) 338-3804.**
- **On the Randolph-Sheppard Act; Office for the Blind and Visually Handicapped, Rehabilitation Services Administration, Department of Health, Education and Welfare, 330 C Street, SW, Washington, DC 20201. Phone: (202) 245-0918.**

46

Wage and Hour Regulations for Handicapped Employees

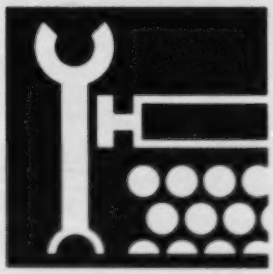
The Federal Law

Employment at Less Than the Minimum Wage

- Under some circumstances it is not illegal to employ persons at wages which are lower than the minimum wage when their earning or productive capacity is impaired by age or physical or mental deficiency or injury.
- The Secretary of Labor regulates employment at less than the minimum wage. (This applies to private employment as well as sheltered workshops).
- The wage paid a handicapped worker cannot be less than 50% of the wage that is paid to a non-handicapped worker for the same type, quality and quantity of work.

U.S. Code, Title 29, Section 214, (Fair Labor Standards Act)

Employment Under Vocational Rehabilitation



- The Secretary of Labor may authorize State Vocational Rehabilitation Agencies to employ handicapped workers at wages less than the minimum wage.
- These handicapped workers must 1) be engaged in work which is incidental to training or evaluation programs, or 2) be handicapped to the extent of having their earning capacity so severely impaired as to be unable to engage in competitive employment.

U.S. Code, Title 29, Section 214
(Fair Labor Standards Act)

Employment in Work Activities Centers

- The Secretary of Labor may provide for the employment of handicapped persons in work activities centers at less than the minimum wage.
- "Work activities centers" means centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

U.S. Code, Title 29, Section 214
(Fair Labor Standards Act)

Employment of Mental Patients

- Minimum wage and hour regulations, established by the Fair Labor Standards Act, apply to patient workers in state mental institutions.
- A resident of a mental institution shall be compensated for work that is either non-therapeutic or which would have to be performed by a non-patient worker in the absence of patient labor.
- The Secretary of Labor has the duty to enforce minimum wage and hour regulations with respect to patient workers in state mental institutions.

Souder v. Brennan
367 F. Supp. 808 (D.D.C. 1973)

CONTACT: For further information; Wage and Hour Division, Department of Labor, Gateway Building, 15th Floor, 3535 Market St., Philadelphia, PA 19104. Phone: (215) 596-1195.

47

Equality in Employment

The District of Columbia

Equal Hiring for Handicapped

- Employers must hire physically disabled persons on the same terms and conditions as ablebodied people, unless the disability prevents performance of the work involved
- "Employers" includes private businesses and District of Columbia government, but does *not* include the Federal Government.
- Anyone who interferes with this right of equality in hiring may be imprisoned up to 90 days or fined up to $300 or both.

District of Columbia Code, Section 6-1504, 6-1506 (White Cane Law)

Illegal Discrimination

- It is illegal for an employer to discriminate against a handicapped person by refusing to hire him. Discrimination in compensation, terms, conditions, and privileges of employment is also illegal.
- "Handicapped" includes persons who are physically and mentally disabled.
- An employment agency may *not* discriminate against a handicapped person by refusing to refer him for employment.
- A labor organization may *not* discriminate against a handicapped person by excluding him from membership, or by limiting employment opportunities through segregation or classification.
- Published statements which indicate a preference or distinction based upon handicap are illegal.

District of Columbia Rules and Regulations, Title 34, Section 11.1 (Human Rights Law)

CONTACT: For further information or to file a complaint, the Office of Human Rights, 14th and E Street, NW, Washington, DC. Phone: (202) 629-5331. 629-5332, 629-5333.

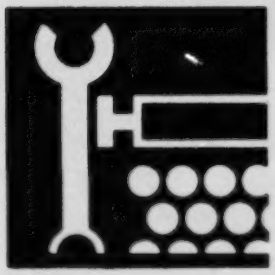
The Maryland Law

Illegal Discrimination by the State

- It is illegal for a State agency, department, or board to discriminate against handicapped individuals in hiring, firing, or other ways because of their physical or mental handicap.
- This provision applies only when the handicap does not interfere with the performance of the job.
- Following an investigation by the Human Relations Commission of the discrimination, the Governor is authorized to remove the government employee responsble for the act of discrimination.

Maryland Code, Article 49B, Section 11B

Illegal Discrimination



- It is illegal for an employer to discriminate against a physically or mentally handicapped person by refusing to hire him. Discrimination in compensation, terms, conditions, and privileges of employment is also illegal.
- An employment agency may *not* discriminate against a physically or mentally handicapped person by refusing to refer him for employment.
- A labor organization may *not* discriminate against a physically or mentally handicapped person by excluding him from membership or by limiting employment opportunities through segregation or classification.
- Published statements which indicate a preference or distinction based upon physical or mental handicap are illegal *unless* they indicate a bona fide occupational qualification.
- Employers, employment agencies, and labor organizations are not required to grant preferential treatment to any individual because of a physical or mental handicap.

Maryland Code, Article 49B, Section 19

CONTACT: For further information and enforcement, The Maryland Human Relations Commission, Metro Plaza-Mondawmin Mall, Baltimore, MD 21215. Phone: (301) 383-3680.

The Virginia Law

Illegal Discrimination

- Employers may *not* discriminate against physically handicapped persons in employment or promotion, if the handicap is unrelated to ability to do the job.
- Any handicapped person who believes he was wrongfully discriminated against may bring suit in the circuit court of the county or city where the alleged discrimination occurred. This court may issue an order prohibiting the discrimination.
- The suit must be brought within 90 days of the discrimination.

Virginia Code, Section 40.1-28.7

CONTACT: To file a complaint, State's Attorney General, Supreme Court Building, 1101 East Broad Street, Richmond, VA 23219. Phone: (804) 770-2071.

State Employment of the Handicapped

The District of Columbia Law

No Law

- The District of Columbia has not enacted any special legislation dealing with city employment.

The Maryland Law

Equal Employment Opportunities

- No person who is physically or mentally qualified shall be prevented from competing in a civil service examination because of a physical defect or impairment.
- The person must produce a certificate from a physician certifying that he is not suffering from a physical handicap which would interfere with his performing the duties of the position sought.
- No physically handicapped person shall be rejected from a list of eligible individuals for a job because of physical impairment if he is qualified to perform the duties of the position involved.

Maryland Code, Article 64A, Section 12

Special Procedures for Employment of Handicapped Persons

- The State Office of Personnel may prepare, without an examination, a special list of handicapped persons who are eligible for State employment, and who are certified by the Department of Vocational Rehabilitation to be physically capable and adequately trained.

Maryland Code, Article 64, Section 13

CONTACT: For further information;

— **On discrimination and filing complaints: State Coordinator of Equal Employment, State Department of Personnel, 301 West Preston St., Baltimore, MD 21201. Phone: (301) 383-4671, or**

— **The Maryland Human Relations Commission: Metro Plaza-Mondawmin Mall, Suite 300, Baltimore, MD 21215. Phone: (301) 383-3680.**

— **On Special Procedures for employment in Montgomery County, Department of Vocational Rehabilitation, 255 N. Washington St., Rockville, MD. Phone: (301) 424-2440.**

— **On Special Procedures for employment in Prince Georges County, Department of Vocational Rehabilitation, 5809 Annapolis Road, Room 306, Bladensburg, MD 20710. Phone: (301) 864-5678.**

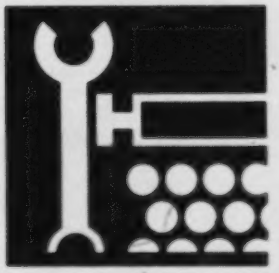
50

The Virginia Law

No Law

- Virginia has not enacted any special legislation dealing with state employment.

Injury to Employees



The District of Columbia Law

Workman's Compensation

- Any employee may receive workman's compensation benefits for an injury received while engaged in employment.
- Employees of Washington D.C. businesses may receive benefits even if injured outside of the District of Columbia.

District of Columbia Code 36-501

CONTACT: For further information;

— **If employed by the Federal or District of Columbia Government, Federal Office of Workmen's Compensation, 666 11th Street, NW, Washington, DC 20210. Phone: (202) 382-3933.**

— **If employed by private employer, Office of Workmen's Compensation 1717 K Street, NW, Washington, DC 20211. Phone: (202) 254-3470.**

The Maryland Law

Workman's Compensation

- The State of Maryland assures certain compensation for workmen injured in extra-hazardous employment, regardless of questions of fault.
- Family members and dependents may also receive compensation.
- An individual injured during the course of employment should contact the Workmen's Compensation Commission.

Maryland Code, Article 101 (Preamble)

CONTACT: For further information, Workmen's Compensation Commission, 108 East Lexington, St., Baltimore, MD 21201. Phone: (301) 383-4700, 383-4701.

The Virginia Law

Workman's Compensation

- An individual or his dependents may collect workmen's compensation for any injury caused by accident or occupational disease, arising out of and in the course of employment.

Virginia Code, Section 65.1-1 through 65.1-137 (Virginia Workmen's Compensation Act)

CONTACT: For further information, Industrial Commission of Virginia, Department of Workmen's Compensation, P.O. Box 1794, Richmond, VA 23214. Phone: (804) 770-3818, 770-3819.

Hospital and Medical Matters

People who are mentally handicapped because of illness or retardation, are least able to protect their rights. Because of this fact, legislatures have specifically authorized the procedures which must be followed when hospitalizing mentally ill and mentally retarded persons. In addition, the rights of patients, once they are confined to a hospital or institution have also received considerable attention from legislators.

Basically the laws that follow in this section establish the guidelines which must be followed by hospital personnel and others having contact with mentally handicapped persons. However, friends and relatives of mentally ill and retarded persons should become familiar with the basic provisions of these laws as a safeguard against violation of the prospective patient's rights.

Illegal detention has been a constant concern of legislators. The U.S. Constitution itself refers to termination of detention without a charge of criminal conduct. Because of this traditional concern, the procedures for involuntary detention are quite complex. People with questions on these matters are urged to inquire at the appropriate CONTACT offices.

Packaging of Medicines and Other Substances

55

The Federal Law

Packages Without Safety Features for Children

- Manufacturers and packers must package certain dangerous substances and medicines in containers which meet safety standards for children.
- Elderly and handicapped persons may request non-complying containers when the original container is too difficult to open.
- Physicians may also order that medications be dispensed in non-complying containers.

U.S. Code, Title 15, Section 1473 (Public Law 91-601)

CONTACT: For further information, The Consumer Product Safety Commission, Bureau of Information and Education, 5401 Westbard Avenue, Washington, D.C. 20207. Phone: (202) 496-7104.

Voluntary Hospitalization of the Mentally Ill

The District of Columbia Law

Hospitalization of Oneself

- Any person may apply to a public or private hospital for admission for diagnosis, care and treatment of mental illness.
- Application for admission to a hospital may be made by the spouse, parent or legal guardian of a person under 18.
- If an examination by an admitting psychologist shows the need for hospitalization, a public hospital *must* admit that person.
- Private hospitals *may* admit mentally ill patients needing treatment.

District of Coumbia Code, Section 21-511

Hospitalization of a Friend or Relative

- A friend or relative of a person believed to be suffering from mental illness may apply on behalf of that person for his admission to a hospital.
- Application must be made to the admitting psychiatrist. A referral from a practicing physician is necessary. The admitting psychiatrist is authorized to allow admission without a referral from a physician if the need is apparent in his judgment.
- A public hospital *must* accept as patients those persons who are judged by the psychiatrist to be in need of examination and treatment.
- A private hospital *may* accept persons judged to be in need of examination and treatment.
- A patient *must* sign a statement which says that he does not object to hospitalization. A description of the patient's right to release must be contained in the statement.

Disrict of Columbia Code, Section 21-513

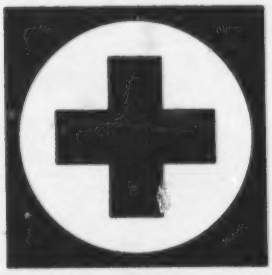
Release of Voluntary Patients

- Any voluntary patient 18 years of age or older may obtain his release from the hospital by filing a written request with the chief of services.
- The chief of services must release the patient within 48 hours of the time request for release is received.
- Patients under 18 years of age may obtain their release from the hospital by having their spouse, parent or legal guardian file a similar request.
- Patients hospitalized by a friend or relative must be released immediately upon their written request for release, unless proceedings for hospitalization under court order have been started.

District of Columbia Code, Section 21-512, 21-514

CONTACT: For further information, The Emergency Mental Health Service, 1905 E Street, S. W., Washington, D. C. 20006. Phone: (202) 629-5222.

The Maryland Law



Forms of Admission and Release

- Facilities under the Department of Mental Hygiene may admit persons over 18 with mental disorders who request admission for care and treatment.
- Persons requesting admission must be able to understand the nature of their request and be capable of giving continuous assent to their retention in the facility.
- Patients may be admitted informally by a simple request for admission. Such patients may leave the facility during office hours.
- Patients may also be admitted on the basis of a formal application. Such patients must be released within three days of giving notice of desire to leave.
- Persons under 18 may be admitted by formal application if admission is requested by at least one parent, or his legal guardian.

Maryland Code, Article 59, Section 11

Administrative Release

- The Commissioner of Mental Hygiene, his representative, or the Superintendent of any facility may release patients when they are found (1) to be free of mental disorder, or (2) still mentally disordered but not in need of hospitalized care.
- Patients may also be conditionally released if the patient would be properly cared for and would not be a danger to himself or to others.

Maryland Code, Article 59, Section 18

CONTACT: For further information, The Mental Hygiene Administration, Secretary of Special Services, 201 West Preston Street, Baltimore, MD 21201. Phone: (301) 383-2703.

The Virginia Law

Admission

- Any hospital may admit as a patient any person requesting admission who has been examined by a physician on the staff of the hospital, and is found to be in need of hospitalization for mental illness or a mental deficiency.
- Any person under 18 years of age may be admitted on the request of a parent.

Virginia Code, Section 37.1-65

Discharge of Patients from State Hospitals

- Any patient may be discharged from a state hospital if the director believes, (1) that the patient is recovered, or (2) that the patient is not mentally ill, or (3) that the patient is not recovered, but discharge will not be harmful to him or the public welfare.
- This provision does not apply to patients held on the basis of a court order.

- The patient is, if necessary, eligible to receive assistance from the public welfare agency of the county or city of his residence.

Virginia Code, Section 37.1-98

Discharge of Patients from Private Hospitals

- A patient may be discharged if he is recovered, or if not recovered, his discharge will not be harmful to him or the public welfare.
- The hospital may refuse to discharge any patient if discharge would be harmful to the public welfare or to him.

Virginia Code, Section 37.1-99

CONTACT: For further information, The Department of Mental Health and Mental Hygiene, Office of Information, P. O. Box 1797, Richmond, VA 23214. Phone: (804) 770-3909.

Involuntary Hospitalization of the Mentally Ill

The District of Columbia Law

Involuntary Detention

- Persons believed likely to cause injury to themselves or others may be taken into custody and detained at a hospital for emergency observation and diagnosis.
- A person may not be detained in a hospital against his will for more than 48 hours unless a request has been made to the court for continued hospitalization.
- A person found by a court to be mentally ill and likely to cause injury to himself and others may be hospitalized beyond 48 hours by a court order.
- A hospital may detain a patient while court proceedings about continued hospitalization are underway.

District of Columbia Code, Section 21-521 through 21-524, 21-528, 21-541

58

Hearing

- If a court orders continued hospitalization, patients are entitled to (1) an examination by a physician, and (2) a hearing on the issue of the patient's mental illness.
- Persons accused of being mentally ill and likely of causing injury must be represented by counsel at their hearing. If they fail to obtain an attorney, the court will appoint counsel to represent them.

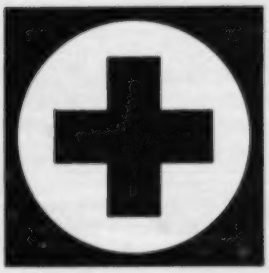
District of Columbia Code, Section 21-525, 21-527 through 21-545.

Review of Patient's Case

- Patients that are ordered hospitalized by the court must be given an examination at least once every 6 months.

- The patient may have his own physician participate in the examination.
- If the condition which justified involuntary hospitalization no longer exists, the patient must be immediately released.
- If there is disagreement among the examining physicians as to whether or not release is justified, the patient may ask the court to review the case.

District of Columbia Code, Section 21-546 through 21-548.



Mentally Deficient Persons

- Finding that a person is mentally deficient is not enough to sustain a civil commitment.

In re Alexander 372 F. 2d 925 (1967)

CONTACT: For further information;

— **Emergency Mental Health Service, 1905 E Street, S. E., Washington, D. C. 20032. Phone: (202) 629-5222, or**

— **The Mental Health Division of the Public Defender's Office, St. Elizabeth Hospital, Allison "A" Building, Washington, D. C. 20032. Phone: (202) 562-2200**

The Maryland Law

Application for Admission

- Any person having a legitimate interest in the proposed patient may apply for the patient's admission.
- In order to be admitted the proposed patient must (1) have a mental disorder; (2) need medical care and treatment for the protection of himself or others; and (3) be unable or unwilling to be voluntarily admitted.
- Each application must be accompanied by certificates from two physicians stating that the proposed patient is in need of inpatient care because of a mental disorder.
- Persons may be temporarily detained under an emergency application for admission when they are believed to be mentally disordered and in danger of causing personal injury to themselves or to others.

Maryland Code, Article 59, Section 12, 22.

59

Hearing

- A hearing must be held before a person may be committed for an indefinite period.
- Within 12 hours of admission each patient must be advised of his right to consult with an attorney of his choice.
- If the patient does not have an attorney he will be informed about legal aid, and lawyer referral services through which he may obtain an attorney.
- If the patient is unable to understand the notification, notice must also be given to next of kin and other persons determined to have a significant interest in the patient's status.

Maryland Code, Article 59, Section 13

Review of Patient's Case

- Every hospitalized mentally ill patient must be examined at least once every year by at least two physicians to determine if continued hospitalization is necessary.
- At any time a patient may apply to a court for proceedings to determine the legality of continued detention.
- At any time a patient or person having an interest in a patient may apply to the court for release from the mental health facility.
- Persons filing a petition for release may request for a jury to decide whether or not detention is necessary for the protection of the mental patient or others.

Maryland Code, Article 59, Section 12, 14, 15.

CONTACT: For further information;

— **The Mental Hygiene Administration, Secretary of Special Services, 201 West Preston Street, Baltimore, MD 21201. Phone: (301) 383-2703, or**

— **The Mental Health Division of the Public Defender's Office, 800 Equitable Building, Calvert and Fayette Streets, Baltimore, MD 21202. Phone: (301) 383-6136.**

The Virginia Law

Involuntary Detention

- An individual believed to be mentally ill may be detained in a hospital up to 48 hours without a court order.
- An individual may be detained beyond 48 hours if a judge finds him mentally ill and in need of hospitalization.
- The judge must inform the individual of his right to a hearing, right to counsel, and the reasons for detention.
- The judge may not commit an individual for more than 180 days. After 180 days the patient must be released, or another order must be given.

Virginia Code, Section 37.1-67, 37.1-67.1

Hearing

- Every involuntarily detained patient is entitled to a hearing in a court of law.
- Patients must be informed of their right to representation by an attorney. If the patient is not represented, the court must appoint counsel.
- A physician or clinical psychologist must (1) certify that the patient has been examined, and (2) give his opinion as to whether or not the patient requires continued hospitalization.

Virginia Code, Section 37.1-67, 37.1-67.1

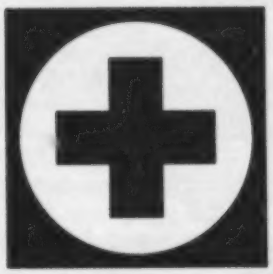
Review of Patient's Case

- The director of a state hospital must review the progress of a patient thirty, sixty, and ninety days after admission, and every six months thereafter, to determine if the patient should be kept in the hospital.

- Any person held in a hospital as mentally ill may have the legality of his detention determined by the court.

Virginia Code, Section 37.1-84.2, 37.1-103.4

CONTACT: For further information, The Department of Mental Health and Mental Hygiene, Office of Information, P. O. Box 1797, Richmond, VA 23214. Phone: (804) 770-3909



Institutionalizing Mentally Retarded Persons

The District of Columbia Law

Admission to Forest Haven

- A guardian or relative of a substantially retarded person, or any citizen of the District may apply to the court for detention of a substantially retarded person.
- A substantially retarded person taken into custody may not be detained in a place where persons charged with crime are kept.
- A court may order a substantially retarded person placed in Forest Haven after a hearing in which confinement of the person is found to be in the welfare of the community.
- A substantially retarded person in need of care may apply by himself or through a parent, spouse, or legal guardian for admission to Forest Haven.

District of Columbia Code, Section 21-1103, 21-1106 through 21-1108A

Release of Voluntary Patients

- A relative or friend of a substantially retarded person who was admitted under court order may petition the court to discharge the patient.
- Discharge may be ordered if (1) the patient is found not to be substantially retarded; or (2) the patient has improved to the point of being able to care for himself; or (3) the relatives or friends of the patient are able and willing to care for, control and support the patient.

District of Columbia Code, Section 21-1113

CONTACT: For further information, The Administrative Social Worker, Forest Haven Children's Center, Laurel, MD 20810. Phone: (301) 776-7014.

The Maryland Law

Admission to Public Facilities

- Any parent or legal guardian of a person under age 21 may apply to the Mental Retardation Administration for admission of the person to a public facility.

- Any person over the age of 21, his guardian, or anyone else having a legitimate interest in his welfare may apply to the Mental Retardation Administration for admission of the person to a public facility.
- The person making the request must understand the nature of the request and make it in writing.
- The application will be approved if the person is mentally retarded, and the condition is of such a nature that the person needs in-residence care or treatment.
- If the person is mentally retarded but does not need in-residence care or treatment, a program of less than 24 hour care may be recommended.

Maryland Code, Article 59 A, Section 9

Admission of Persons to Private Facilities

- The same procedures as to public facilities, must be followed for the admission of a person over the age of 21 to a private facility licensed by the Mental Retardation Administration.

Maryland Code, Article 59 A, Section 11

Review of Patient's Case

- At least once a year, every mentally retarded person must be re-evaluated.
- At any time, any person in a facility, or anyone on his behalf, may apply to the appropriate court for a hearing to determine the cause and the legality of his admission and retention in the facility.

Maryland Code, Article 59 A, Section 12, 13

62

Release of Mentally Retarded Patients

- No mentally retarded person may be retained more than three days after the person who applied for his admission requests his release.
- At any time, any person in a facility, or anyone on his behalf, may apply to the court for release from the mental retardation facility.
- Persons filing a petition for release may request that a jury decide whether or not detention is necessary.
- A patient may also be released on a conditional basis if the patient would be properly cared for and would not be a danger to himself or to others.

Maryland Code, Article 59 A, Section 12, 14, 16.

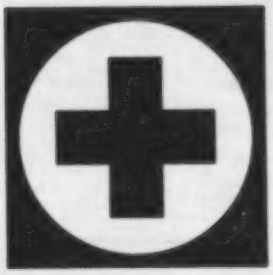
CONTACT: For further information, The Mental Retardation Administration, 201 West Preston Street, Baltimore, MD 21201. Phone: (301) 383-3387, or 383-3389.

The Virginia Law

No Law

- Virginia has not as yet enacted legislation dealing with institutionalizing of mentally retarded persons.

Patients Rights



The District of Columbia Law

Notice of Rights of Mentally Ill

- The hospital administrator must give all patients admitted for mental illness a written statement which outlines patient rights, and release procedures.
- The statement must also explain the procedures by which persons are declared legally incompetent.
- The statement is to be written in simple, nontechnical language.

District of Columbia, Section 21-565.

Right Treatment for Mentally Ill

- A person hospitalized in a public hospital for mental illness is entitled to medical and psychiatric care and treatment during his hospitalization.
- Hospital records, detailing medical and psychiatric care and treatment received by mentally ill patients, must be made available to the patient's attorney and personal physician if the patient gives his written authorization.
- A mechanical restraint may *not* be applied to a patient hospitalized for mental illness *unless* the restraint is prescribed by a physician.
- Prescribed restraints must be removed whenever the condition justifying its use no longer exists.
- The reasons for use of mechanical restraint must be noted on the patient's hospital record.

District of Columbia Code, Section 21-563.

63

Communication for Mentally Ill Patients

- Persons hospitalized for mental illness may communicate by sealed mail with individuals and official agencies.
- Such persons may also receive uncensored mail from their attorney or personal physician.
- Other incoming mail or communications may be censored by the chief of service if he believes the action is necessary for the medical welfare of the patient.
- Mail not delivered to the patient must be immediately returned to sender.

District of Columbia Code, Section 21-561

Other Rights of Mentally Ill Patients

- Patients hospitalized for mental illness may not automatically be denied the following rights:
  1. the right to dispose of property
  2. the right to write formal documents, such as wills.
  3. the right to make purchases
  4. the right to enter into a contract

5. the right to vote
6. the right to hold a driver's license

- Only persons who have been declared legally incompetent by a court may be denied the above rights.

District of Columbia Code, Section 21-564.

CONTACT: For further information, Legal Advisor, Office of General Counsel, St. Elizabeth Hospital, Administrative Building, Washington, D.C. 20032. Phone: (202) 574-7270

The Maryland Law

Patient's Bill of Rights

- Every patient and resident of a health care facility has the right to the following:
  1. to considerate and respectful care;
  2. to expect to obtain from his physician complete and current information concerning his diagnosis, treatment, and prognosis. Such information must be in language that the patient can be expected to understand;
  3. to know by name the physician responsible for coordinating his care;
  4. to consideration of his privacy and individuality as it relates to his social, religious, and psychological well being;
  5. to respectfulness and privacy as it relates to his medical care program;
  6. to expect a medical facility to reasonably respond to patient requests;
  7. to information as to the relationship of a facility to other health care institutions;
  8. to expect reasonable continuity of care;
  9. to have unrestricted communication with any person of his choice;
  10. to manage his own financial affairs, provided the patient is competent;
  11. to present grievances on behalf of himself or others to the facility's administration, without fear of reprisal.
- Copies of these patient rights must be furnished to the patient and resident upon admission.

Maryland Code, Article 43, Section 565 C

64

Notice to Mentally Ill Patients of Admission Status and Rights

- Within 12 hours of admission to a mental health facility, every patient must be read the provisions of the law under which he was admitted.
- The law relative to Patient Rights must also be read to the patient.
- The reading will be in English, unless the patient does not understand English, in which event the reading will be in a language which will best inform the patient.
- If the patient is unable to understand the notification, notice must also be given to the patient's next of kin, and other persons determined to have a significant interest in the patient's status.

Maryland Code, Article 59, Section 13

Notice to Mentally Retarded Patients of Admission Status and Rights

- Mentally retarded patients must be notified of the law under which they were admitted.
- Mentally retarded patients must be notified of their rights, including their right to a hearing within 21 days of admission.
- Patients must also be informed that they have a right to legal counsel at any hearing concerning the legality of admission.

Maryland Code, Article 59 A, Section 10, 12

Right to Treatment

- Every patient of a mental health facility must have an individualized treatment plan developed for him. The plan is to be periodically updated.

Maryland Code, Article 59, Section 3 A

Communication for Patients

- Mentally ill and mentally retarded patients in mental health facilities must be given an opportunity to communicate by mail.
- Letters are to be mailed without opening.
- Patients are also to have access to telephones unless prohibited for medical or administrative reasons.
- Patients are entitled to visits from their attorney or clergyman at all reasonable hours. Visits from other persons may be restricted when medically justified.

Maryland Code, Article 59, Section 51, and Article 59 A, Section 35

CONTACT: For further information, Mental Hygiene Administration, Secretary of Special Services, 201 West Preston Street, Baltimore, MD 21201. Phone: (301) 383-2703.

The Virginia Law

Patient's Bill of Rights

- All patients in hospitals operated, funded, or licensed by the State shall be assured of their legal rights, and care consistent with basic human dignity and sound therapeutic treatment.
- Each patient shall:
  1. retain his legal rights as provided by state and federal law;
  2. receive prompt evaluation and treatment or training;
  3. be treated with dignity as a human being;
  4. not be the subject of research without prior written or informed consent by the patient or his legal guardian;
  5. have the opportunity to consult with a private physician, and in the case of hazardous treatment or irreversible surgical procedures, have an impartial review;
  6. be treated under the least restrictive conditions consistent with the patient's condition;

7. not be subjected to unnecessary physical restraint and isolation;
8. be allowed to send and receive sealed mail;
9. have access to his medical and mental records. The patient shall be assured of the record's confidentiality. The right to access shall be limited by the patient's condition and sound therapeutic treatment;
10. have the right to an impartial review of violations of these rights, and the right to legal counsel.

Virginia Code, Section 37.1-84.1

Mistreatment of Patients

- It is illegal for any person to mistreat a patient confined to a hospital.

Virginia Code, Section 37.1-150

Emergency Treatment of Patients

- Whenever the director of a hospital reasonably believes that treatment is necessary to protect the life, health, or safety of a patient, such treatment may be given, unless prohibited by a court order.

Virginia Code, Section 37.1-85

Legal Capacity

- The admission of any person to a hospital shall not create a presumption of legal incapacity or incompetency.

Virginia Code, Section 37.1-87

66

Birth Control Counseling for Patients in State Hospitals

- Family Planning Clinics will be established in all state hospitals to advise and educate patients about birth control.
- Family Planning sessions will be held at least once every three months.
- All patients are eligible to attend these clinics and to receive medical and educational services on a voluntary basis.

Virginia Code, Section 37.1-23.1

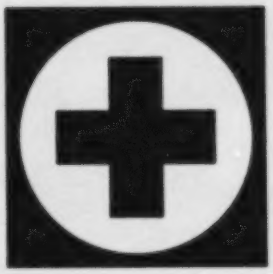
Drugs and Medicine for Discharged Patients

- If a patient is released from a state hospital and is unable to pay for necessary drugs and medicines, the Department of Mental Health and Mental Retardation may provide the patient with drugs and medicines.

Virginia Code, Section 37.1-101

CONTACT: For further information, Department of Mental Health and Mental Hygiene, Office of Information, P. O. Box 1797, Richmond, VA 23214. Phone: (804) 770-3909.

Financial Responsibility for Care and Treatment



The District of Columbia Law

Payment for Mental Patients

- A mentally ill patient's father, mother, husband or wife, and adult children are responsible for paying hospital expenses, if they are able to pay.
- A patient's estate is also responsible if it is sufficient to cover expenses.
- Payment is to be made to the District of Columbia.

District of Columbia Code, Section 21-586

Payment for Substantially Retarded Patients at Forest Haven

- A patient's estate may be held responsible for all or part of the cost of maintaining the patient at the institution.
- If the patient does not have an estate, a parent, spouse, or adult child must pay for maintenance at the institution, if they are able to pay.
- Payment is to be made to the District of Columbia.

District of Columbia, Section 21-1110, 21-1111

CONTACT: For further information, The Department of Human Resources, Collection Branch of Payments Assistance Administration, 500 First Street, N.W., Washington, D.C. 20001. Phone: (202) 629-6388.

The Maryland Law

Liability for Mentally Ill Patient's Expenses

- The patient or his spouse, parents and children (in some instances) are responsible for treatment expenses at mental health facilities.
- Payment is to be made to the Department of Mental Hygiene.

Maryland Code, Article 59, Section 41, 44

Liability for Mentally Retarded Patient's Expenses

- All mentally retarded persons, or those legally responsible for them, must pay for services received by them if financially able to do so.
- Liability of relatives ends when the patient reaches age 21, or when support has been paid for a period of 16 years, whichever comes first.

Maryland Code, Article 59 A, Section 25

CONTACT: For further information, The Division of Reimbursement, Department

of Health and Mental Hygiene, P. O. Box 1213, Baltimore, MD 21203. Phone: (301) 383-2904.

The Virginia Law

Persons Responsible for Expenses

- If a person has received care, treatment, or maintenance from a state hospital, he or his estate, or those persons legally liable for his support, are liable for his expenses.
- There is no liability after the patient has been in the hospital for a period of time exceeding sixty months.
- The expenses shall not exceed the actual per capita cost for the particular type of service rendered.

Virginia Code, Section 37.1-105

Assessments and Contracts for Payment

- The Department of Mental Health and Mental Retardation may assess or contract with the patient, parents, guardian, trustee, or the person legally liable for his support and maintenance, taking into account the financial condition and estate of the patient, his present and future needs, and the present and future needs of his dependents.
- When necessary a sum will be accepted for the patient's maintenance, which is less than the actual per capita cost.
- The estate of the patient other than income shall not be depleted below the sum of $500.

Virginia Code, Section 37.1-109

68

Compelling of Payment

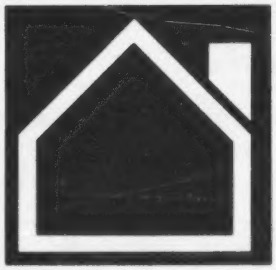
- Where no payment is forthcoming, the Department of Mental Health and Mental Retardation may seek a court order to compel payment.
- This action is brought first against the patient or his estate, then against the persons legally liable for his support. Such persons shall be the father, mother, husband, wife, child or children of the patient, provided that they have attained an age of majority. Such persons shall be jointly and severally liable.

Virginia Code, Section 37.1-110

CONTACT: For further information, The Department of Mental Health and Mental Retardation, Office of Information, P. O. Box 1797, Richmond, VA 23214. Phone: (804) 770-3909.

Housing

Finding suitable housing is a difficult task for anyone. However, the difficulties in searching for a comfortable home are multiplied for handicapped persons. Often, landlords do not want persons with disabilities renting their property. In addition, even where landlords would be receptive to having handicapped tenants, the property is sometimes architecturally inaccessible to handicapped people. Consequently, there is little adequate housing designed for handicapped people.



The U.S. Congress has enacted legislation which gives builders of housing complexes financial incentives to provide housing for handicapped people. Additional legislation is designed to enable some handicapped persons to use and benefit from low income housing projects.

On the state level, District of Columbia, Maryland and Virginia all prohibit landlords from discriminating against handicapped tenants by refusing to rent to them on the basis of their handicap. Whenever a handicapped individual believes that he has been unable to rent housing simply because of his handicap, he should contact the proper office. When handicapped people take positive action toward enforcing anti-discrimination laws, then additional housing will become available to them.

Financial Assistance in Housing

The Federal Law

Rent Supplement Payments to Handicapped

71

- The Department of Housing and Urban Development will assist an individual or family who has an income below a certain level, and who is physically handicapped, in paying rent to the mortgagee.
- Payments will also be made where the head of a family, or a spouse is physically handicapped.
- The Department of Housing and Urban Development will determine the eligibility for such payments.

U.S. Code, Title 12, Section 1701 S (Public Law 89-117, Title 1, Section 101, (a), (e) (g), (h), (j): Housing and Urban Development Act of 1965)

Low Income Housing for Handicapped

- Handicapped *individuals* may qualify as a "family" for the purpose of low income family housing.
- Income limits for occupancy, and rents are fixed by the public housing agency.
- A single person who is at least 62 years of age, or is handicapped is considered a "family".
- "Handicapped" means having an impairment which:
  1. is expected to be of long or indefinite duration;
  2. substantially impedes ability to live independently; and

3. is of a nature such that dependence would be decreased by more suitable housing conditions.

In addition, developmentally disabled persons are considered "handicapped".

- Handicapped individuals may qualify for certain low income housing designed for elderly families.
- Two or more elderly or handicapped individuals living together, or one or more elderly or handicapped individual living with another person determined to be essential for care or well being, may be considered an "elderly family."

U.S. Code, Title 42, Section 1437 a

Loans to Housing Projects for Handicapped

- Public agencies (and some private corporations and consumer cooperatives) wanting to provide housing and facilities for elderly and handicapped families, may be able to obtain loans from the Department of Housing and Urban Development.
- Such loans are only made when the applicant shows that it is unable to secure funds from other sources upon terms and conditions equally as favorable as those offered by HUD.
- "Elderly or handicapped family" means familiies in which the head or his spouse is 62 years of age or over, or is handicapped. A single person who is 62 or older or handicapped is also included in the definition.

U.S. Code, Title 12, Section 1701 q, (Housing and Urban Development Act of 1959 and Amendments)

72

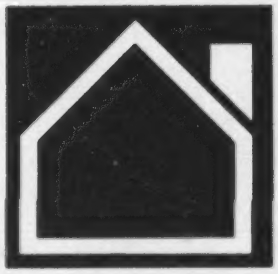
Mortgage Insurance to Housing Projects for Handicapped

- The Secretary of HUD is authorized to insure any mortgage for housing consisting of 8 or more living units when 50% are specially designed for use and occupancy by elderly or handicapped families.
- Handicapped families may be accorded preference or priority of opportunity in renting the living units specifically designed for their use and occupancy.

U.S. Code, Title 12, Section 1715 v, (Housing and Urban Development Act of 1959 and Amendments)

CONTACT: For further information, The Office of Assistant to the Secretary of HUD, Programs for the Elderly and Handicapped, 491 7th Street, S.W., Washington, D. C. 20410. Phone: (202) 755-6032.

Right of Access



The District of Columbia Law

Equal Access for Disabled

- Physically disabled persons have the same right as other people to housing offered for rent or lease.
- Landlords are not required to modify the property to provide greater safety for the handicapped tenant.
- Anyone who interferes with this right of equal access may be imprisoned up to 90 days or fined up to $300 or both.

District of Columbia Code, Section 6-1505, 6-1506, (White Cane Law)

Illegal Discrimination

- It is illegal for a landlord to discriminate against a handicapped person by terminating his lease, or by refusing to rent, lease or sell him property.
- Companies, agencies, or individuals which normally make funds available for the purchase, construction, or repair of property, may *not* refuse to lend money to a handicapped person on the basis of that handicap. Discrimination in the setting of terms is also illegal.
- These provisions do not apply to:
  1. accommodations in which five or less families live and share a kitchen or bathroom, and one of the families is the landlord's, and
  2. accommodations in which two families live independently of each other.

District of Columbia Rules and Regulations, Title 34, Section 13.I (Human Rights Law)

73

Guide Dogs

- A blind person with a guide dog is entitled to equal access to housing offered for rent or lease. An extra charge for the dog is illegal, but the owner of the dog is responsible for property damaged by the dog.

District of Columbia Code, Section 6-1505 (White Cane Law)

CONTACT: For further information, The D. C. Office of Human Rights, 14th & E Streets, N.W. Washington, D.C. Phone: (202) 629-5331, or 629-5333.

The Maryland Law

Illegal Discrimination

- It is illegal for a landlord to discriminate against physically and mentally handicapped persons by refusing to rent, lease, or sell them a dwelling.
- "Dwelling" includes houses and apartments.
- Banks, credit unions, insurance companies, or other individuals who

normally make loans for the purchase, construction, or repair of dwellings, may *not* refuse to lend money to a handicapped person on the basis of that handicap.

- Discrimination in setting of rates and terms is also illegal.

Maryland Code, Article 49B, Section 22, 23.

Equal Access for the Blind

- A blind or visually handicapped person has the same right as other people to housing offered for rent or lease.
- "Housing" does *not* include a room offered for rent or lease in a single family residence.
- Landlords are not required to modify the property to provide greater safety for the blind or visually handicapped tenant.

Maryland Code, Article 30, Section 33.

Guide Dogs

- A blind or visually handicapped person with a guide dog is entitled to equal access to housing offered for rent or lease. An extra charge for the dog is illegal, but the owner of the dog is responsible for property damaged by the dog.
- However, landlords who normally refuse tenants who have dogs, are *not* required to accept a blind or visually handicapped tenant who has a guide dog.

CONTACT: For further information, or to file a complaint, The Maryland Human Rights Commission, Metro Plaza, Mondawmin Mall, Baltimore, MD 21215. Phone: (301) 383-3680.

74

The Virginia Law

Equal Access for Disabled

- Handicapped persons have the same right as other people to full access to housing offered for rent or lease.
- "Housing" includes houses and apartments but not a single room in a single family residence.
- Landlords are *not* required to modify the property to provide for greater safety for the handicapped tenant.

Virginia Code, Section 63.1-171.1

Guide Dogs

- A blind person with a guide dog is entitled to equal access to housing offered for rent or lease. An extra charge for the dog is illegal, but the owner of the dog is responsible for property damaged by the dog.

Virginia Code, Section 63.1-171.1

CONTACT: For further information, The State's Attorney General, Supreme Court Building, 1101 East Broad Street, Richmond, VA 23219. Phone: (804) 770-2071.

Insurance

Because handicapped people are considered "bad risks", they often have difficulty in obtaining insurance coverage. Unfortunately, very little legislation has been enacted specifically designed to aid handicapped consumers who need and want insurance coverage.

Most of the laws that follow in this section, were not enacted for the purpose of benefiting handicapped persons. However, knowledge of the rights granted by these laws is important, to assure some insurance protection for handicapped individuals.

It is important for handicapped drivers to be aware that automobile insurance may only be cancelled for certain reasons which are specified in the law. Insurance companies may not cancel a motor vehicle policy simply because the policy-holding individual is handicapped. However, an insurance company may refuse to issue insurance to handicapped drivers in the first place. It is important to note that drivers who have been unable to obtain insurance from private insurance companies should be able to obtain insurance from a state automobile insurance plan. And because the plans are designed for persons considered "high risks", a person having a handicap may not be denied insurance on the basis of his or her handicap.

For the handicapped individual, health insurance may be more difficult to obtain. However, some laws require health insurance policies, once they have been issued, to continue covering individuals for certain handicapping conditions.

Obviously, insurance is one area where the handicapped individual is very much disadvantaged. It is therefore important for handicapped people to be aware of provisions outlined in the following laws, in order to prevent even further discrimination.

Automobile Insurance

The District of Columbia Law

Issuing of Policies

- The District of Columbia has no special legislation regarding automobile insurance for handicapped drivers.
- Persons having difficulty obtaining automobile insurance may be able to come under the District of Columbia Automobile Insurance Plan.
- The Plan is designed to provide insurance for qualified drivers who are considered, by private insurance companies, to be "high risks".

District of Columbia Code,
Section 35-1701 through 35-1711.

Cancellation of Auto Coverage

- Once a policy has been issued, it may be cancelled *only* for the following reasons:
  1. failure to pay a premium as required;
  2. suspension of the driver's permit of the named insured;
  3. suspension of the registration of the motor vehicle insured by the policy;

4. willfully misstating facts in the application form;
5. transfer of the vehicle to a person other than the insured (unless provision is made for this in the policy).

- However, these rules of cancellation do not apply to insurance issued under the District of Columbia Automobile Insurance Plan.

District of Columbia Rules and Regulations, Title 33, Section 1160.2, 1160.9.

CONTACT: For further information;
— **The District of Columbia Department of Insurance, 614 H Street, N.W., Washington, D. C. 20001. Phone: (202) 629-4514, or**
— **The District of Columbia Automobile Insurance Plan, 305 West Chesapeake Avenue, Towson, MD 21204. Phone: (202) 621-1147.**

The Maryland Law

Issuing of Policies

- Maryland has no special legislation regarding automobile insurance for handicapped drivers.
- Persons having difficulty obtaining automobile insurance may be able to come under the Maryland Automobile Insurance Fund.
- The Fund is designed to provide insurance for qualified drivers who are considered, by private insurance companies, to be "high risks".

Maryland Code, Article 48A, Section 243B

78

Cancellation of Auto Coverage

- An insurer other than the Maryland Automobile Insurance Fund may not cancel or fail to renew a policy of motor vehicle liability insurance for any reason other than non-payment of premiums.
- The increase of premiums on an automobile liability policy is not allowed unless it is part of a general increase in all premiums.
- Reduction of coverage under a liability policy is not allowed unless it is part of a general reduction in coverage on all policies.
- When motor vehicle insurance policies, *other* than liability insurance, are cancelled or not renewed, the reason for cancellation or nonrenewal must be furnished to the insured.
- The reason for cancellation or nonrenewal must be clearly and specifically stated.

Maryland Code, Article 48A, Section 240 AA, 240 C

CONTACT: For further information;
— **The Maryland Insurance Commission, 1 South Calvert Street, Baltimore, MD 21202. Phone: (301) 383-5682, or**
— **The Maryland Automobile Insurance Fund, 5112 Berwyn Road, College Park, MD 20740. Phone: (301) 345-4400.**

The Virginia Law

Issuing of Policies

- Virginia has no special legislation regarding automobile insurance for handicapped drivers.
- Persons having difficulty obtaining automobile insurance may be able to come under the Virginia Automobile Insurance Plan.
- The Plan is designed to provide insurance for qualified drivers who are considered, by private insurance companies, to be "high risks".

Virginia Code, Section 38.1-381.5

Cancellation of Auto Coverage

- Once a policy for bodily injury or liability has been issued, it may be cancelled only because (1) the driver's license of the person who usually operates the car has been suspended or revoked; or (2) premium payments have not been fully paid.
- These rules of cancellation do not apply to insurance issued under the Virginia Automobile Insurance Plan.

Virginia Code, Section 38.1-381.5

CONTACT: For further information;
— **The State Corporation Commission, Bureau of Insurance, Box 1157, Richmond, VA 23209. Phone: (804) 770-5185, or**
— **The Virginia Automobile Insurance Plan, P.O. Box 27543, Richmond, VA 23261. Phone: (804) 285-9001.**

Health Insurance

The District of Columbia

No Law

- The District of Columbia has not enacted any legislation which would specifically affect handicapped persons seeking health insurance.

The Maryland Law

Coverage of Mental Illness and Emotional Disorders

- Every hospital or major medical insurance policy issued by a nonprofit health service organization must include benefits for expenses arising

from treatment of acute mental illnesses and emotional disorders.

- Only those mental illnesses and emotional disorders which are subject to significant improvement through short term therapy must be covered by the policy.
- These provisions apply only to policies issues, renewed, or modified after June 30, 1973.

Maryland Code, Article 48A, Section 354D

Coverage of New Born Children

- All health insurance policies which provide family coverage for medical expenses must cover children from the moment of birth.
- Coverage of newly born children must include necessary care and treatment of congenital defects and birth abnormalities.
- In order to have coverage for newly born children to continue beyond 31 days, the insurer may require notice of the birth, and payment of an additional fee (for coverage of an additional person).
- These requirements apply only to policies issued after April 30, 1975.

Maryland Code, Article 48A, Section 438A

CONTACT: For further information, The Maryland Insurance Commission, 1 South Calvert Street, Baltimore, MD 21202. Phone: (301) 383-5667.

The Virginia Law

Continued Coverage for Certain Handicapped Children

80

- Health insurance policies which cover a child only until he reaches a certain age of maturity will not be terminated at that age, if the child is physically handicapped or mentally retarded.
- Coverage will be continued if the handicapped child is unable to support himself, and is chiefly dependent upon the policy-holder for support.
- Only policies issued after October 1974 must provide this extended coverage. Additional premiums may be charged for the continued coverage.

Virginia Code, Section 38.1-348.1

Coverage of New Born Children

- All health insurance policies which provide family coverage for medical expenses must cover children from the moment of birth.
- Coverage of newly born children must include necessary care and treatment of congenital defects and birth abnormalities.
- In order to have coverage for newly born children continue beyond 31 days, the insurer may require notice of the birth, and payment of an additional fee (for coverage of an additional person).
- These requirements apply only to policies issued after November 1, 1975.

Virginia Code, Section 38.1-348.6

CONTACT: For further information, The State Corporation Commission, Bureau of Insurance, Box 1157, Richmond, Virginia 23209. Phone: (804) 770-7691.

Transportation

Mobility is a prime concern of handicapped people. Often, conventional means of transportation are not usable by persons with disabilities. Blind people cannot drive. People in wheelchairs cannot board the standard city bus.

In response to these problems, the D.C., Maryland, and Virginia legislatures have allowed drivers' licenses to be made available to handicapped drivers who can demonstrate "ordinary and reasonable control" when operating a motor vehicle. In addition, the state legislatures have established special parking privileges for handicapped persons who drive.

Unfortunately, problems still exist even with these special privileges. For example, each state does not honor the special parking privileges of the other jurisdictions. Thus, parking privileges authorized in D.C. by the possession of special D.C. "handicapped license plates", are not permitted if you have a Maryland "special parking" permit.

The Federal government has jurisdiction over the areas of mass transportation and interstate transportation systems. However, thus far, laws enacted by Congress concerning handicapped mobility have been primarily statements of policy. Congress has imposed a mass transit policy which calls for assistance to handicapped people when they are traveling. However, few mandatory provisions have been enacted which would actually increase the ease of mobility for handicapped persons.

A great deal still needs to be done before handicapped people can travel freely throughout our society. It is hoped that knowledge and use of the privileges discussed in this section will encourage additional legislation aimed at increasing the handicapped person's mobility.

Urban Mass Transportation

The Federal Law

Policy Toward Handicapped

- Elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services.
- Special efforts will be made in planning and design of mass transportation facilities and services so that they will be available to the elderly and handicapped, and be effectively utilized.
- All federal programs offering assistance in the field of mass transportation shall contain provisions implementing this policy.

U.S. Code, Title 49, Section 1612 (Public Law 91-453)

Bus and Other Motor Mass Transportation

- All federally funded projects designed to improve bus and other motor mass transportation shall be planned and designed so that mass transportation facilities and services can be effectively utilized by the elderly and handicapped.
- Handicapped persons includes those who because of an illness, injury, or other incapacity are unable, without special facilities or special planning or design, to use conventional transportation services.

U.S. Code, Title 23, Section 148, (Public Law 93-87)

Fares

- The Department of Transportation may not approve any mass transit project application for federal funds unless it includes assurances that rates charged elderly and handicapped persons during nonpeak hours will not exceed ½ of the rate for other persons during peak hours.
- In addition, transit projects may transport elderly and handicapped persons free of charge and still be eligible for federal aid.

U.S. Code, Title 49, Section 1601B (Public Law 93-503: National Mass Transportation Assistance Act)

CONTACT: For further information;

— **On Department of Transportation programs and policies: The Department of Transportation, Office of Environmental Affairs, 400 7th Street, SW Washington, DC 20590. Phone: (202) 426-4380.**

— **On Metro's half-fare program: Metro Handicapped Service Unit, 600 5th Street, NW, Washington, DC 20001. Phone: (202) 637-1245 or 637-1246.**

Rail Transportation

The Federal Law

Amtrak

- The Amtrak corporation is authorized to take all steps necessary to insure that no elderly or handicapped individual is denied transportation on any Amtrak train.
- Steps include acquiring special equipment and devices, conducting special training for employees, designing new equipment, and eliminating architectural and other barriers in existing equipment and facilities, in order to accommodate elderly and handicapped individuals.
- An additional step would be special assistance to elderly and handicapped passengers while boarding and alighting the train, and in rail terminals.
- These provisions apply to intercity rail passenger service, but not to commuter and other short-haul service.

U.S. Code, Title 5, Section 5533, (Public Law 93-140: Amtrak Improvement Act of 1973)

CONTACT: For further information;

— **Amtrak Consumer Affairs, 955 L'Enfant Plaza, Washington, DC 20024. Phone: (202) 484-2960, or**

— **The Department of Transportation, Federal Railroad Administration, Office of Financial Assistance, 700 D Street, SW, Washington, DC 20590. Phone: (202) 426-9657.**

84

Driver's Licenses

The District of Columbia Law

Qualifying for Licenses

- District of Columbia law does *not* automatically prohibit anyone with a physical disability from getting a driver's license.
- Persons seeking driver's licenses must be physically and mentally qualified to drive with safety, in the opinion of the Motor Vehicle Department.
- Driver's licenses will not be issued to mentally ill persons who have been adjudged incompetent. Persons restored to competency may be issued licenses.

District of Columbia Code, Section 40-301; District of Columbia Rules and Regulations, Title 32, Section 2.203

Suspension of Licenses

- The Motor Vehicle Department may revoke or suspend an operator's permit for any cause which is deemed sufficient, including mental or physical incapacity.
- A review of the suspension or revocation is available upon request.
- Persons who have had their licenses revoked or suspended because of mental or physical incapacity, may not use their licenses during any review of the decision.

District of Columbia Code, Section 40-302

CONTACT: For further information, The Medical Office of the Bureau of Motor Vehicle Services, 301 C Street, NW, Washington, DC. Phone: (202) 629-3751.

The Maryland Law

Qualifying for Licenses

- Maryland Law does not automatically prohibit anyone with a physical disability from getting a driver's licenses.
- However, any person who is afflicted with or suffering from a physical disability or disease which would tend to prevent him from exercising reasonable and ordinary control over a motor vehicle may be denied a license.
- A handicapped person who satisfactorily passes the required examination may be issued a restricted license which may require that the person wear a workable artificial limb, other similar body attachment, eye glasses, etc.
- A person who has been adjudged to be suffering from a mental disorder or disease, and who has not been restored to competency will be denied a license.

Maryland Code, Article 66½, Section 6-103

Re-Examination of Drivers Labeled "Blind"

- The Motor Vehicle Administration will receive the names of all persons receiving public assistance for blindness.
- The Administration shall re-examine each of these persons who holds a driver's license, and may cancel their license when the person fails to meet the vision requirements.

Maryland Code, Article 66½, Section 6-110.2

Re-Examination of Persons With Disorders or Disabilities

- All physicians who diagnose, detect, or treat disorders or other disabilities *may* report them to the Medical Advisory Board of the Motor Vehicle Administration.
- However, no report may be made where there is a confidential or privileged relationship.
- The Administration may re-examine each of these persons who holds a driver's license, and may cancel their license.

Maryland Code, Article 66½, Section 6-110.3

CONTACT: For further information, The Motor Vehicle Administration, The Medical Advisory Board, 6601 Ritchie Highway, NE, Glen Burnie, MD 21062. Phone: (301) 768-7409.

The Virginia Law

Qualifying for Licenses

86

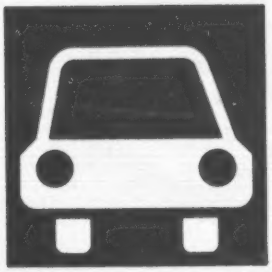
- Virginia law does *not* automatically prohibit anyone with a physical disability from getting a driver's licenses.
- However the Division of Motor Vehicles will *not* issue licenses to people who are afflicted with or suffering from a physical or mental disability or disease which prevents them from exercising reasonable and ordinary control over a motor vehicle.
- Persons whom the court adjudged incompetent may not obtain licenses.

Virginia Code, Section 46.1-361, 46.1-360

CONTACT: For further information;

- **The Department of Motor Vehicles, Medical Control Section of Driver Improvement Department, P.O. Box 27412, Richmond, VA 23269. Phone: (804) 770-3468.**
- **Or any local motor vehicle office.**

Parking



The District of Columbia Law

Privileges for Handicapped

- District of Columbia drivers who 1) have lost the use of one or both legs, or 2) require a mechanical device to walk, or 3) are confined to wheelchairs, may obtain special parking permits allowing parking without time restriction or meter fees.
- This privilege of special parking does not apply 1) in zones prohibiting parking, stopping, or standing, 2) during hours when parking, stopping, or standing is prohibited, or 3) in areas reserved for special types of vehicles.
- No additional fee will be charged for this permit.

District of Columbia traffic regulations, Article 13, Section 97A

CONTACT: For further information; The Bureau of Motor Vehicle Services, 301 C Street, NW, Washington, DC. Phone: (202) 629-3751.

The Maryland Law

Privileges for the Handicapped

- Any person who submits proof that he 1) has permanently lost the use of an arm or leg, or 2) is so severely disabled that he is unable to move without the aid of crutches or a wheelchair, may receive special handicapped registration plates.
- Where proof is submitted that a dependent meets the requirement for receiving a special license plate, the parent or guardian, or person relied upon, shall be able to receive the special plates.
- Disabled persons with special plates will be allowed to park for unlimited periods of time in restricted parking zones, and are exempted from paying parking meter fees.
- This parking privilege does not apply to 1) zones where stopping, standing, or parking is prohibited to all vehicles, 2) zones which are reserved for special types of vehicles, 3) where parking is prohibited during traffic rush hours, or 4) where parking would present a traffic hazard.

Maryland Code, Article 66½, Section 3-607

87

Reserved Parking for Handicapped Persons

- Any person who must use a wheelchair because of a permanent physical handicap may apply for the reservation of a parking space in front or adjacent to his home.
- A permit will be issued which should be attached to the handicapped person's automobile.
- The State Highway Administration shall place and maintain a sign which

indicates the reserved space, and prohibits parking of other vehicles in the space.

- It is illegal for any person, unless handicapped, to park a vehicle, except while temporarily loading or unloading, in a space or zone marked as restricted for the use of handicapped persons.

Maryland Code, Article 66½, Section 11-1003, 11-1005

CONTACT: For further information;

— **On registration plates, The Motor Vehicle Administration, Title Correspondence Division, 6601 Ritchie Highway, NE, Glen Burnie, MD 21062. Phone: (301) 768-7495.**

— **On reserved parking, The Motor Vehicle Administration, Investigation Division, 6601 Ritchie Highway, NE, Glen Burnie, MD 21062. Phone: (301) 768-7217.**

— **Or any local motor vehicle office.**

The Virginia Law

Privileges for Handicapped

- Persons with permanent disabilities which limit mobility may obtain special license plates for their cars which allow parking without time restrictions and without paying meter fees.
- Special parking permits may also be obtained, giving the same parking privileges to *any* vehicle used by the handicapped person.
- The privilege of special parking does not apply 1) in areas prohibiting parking, stopping, or standing, 2) where parking is prohibited during certain heavy traffic periods, 3) in parking zones created for special types of vehicles, or 4) where parking presents a traffic hazard.
- To obtain these parking privileges a doctor must certify that the applicant for the privilege has a permanent disability which limits mobility.

88

Virginia Code, Section 46.1-104.1, 46.1-104.2

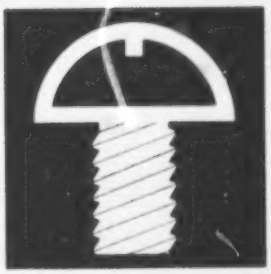
CONTACT: For further information;

— **On license plates, The Department of Motor Vehicles, Title and License Division, P.O. Box 27412, Richmond, VA 23269. Phone: (804) 770-1266.**

— **On Parking Permits, The Department of Motor Vehicles, Operator's License Division. P.O. Box 27412, Richmond, VA 23269. Phone: (804) 770-3370.**

— **Or any local Motor Vehicle Office.**

Vocational Rehabilitation



Many handicapped individuals are entitled to assistance from their State vocational rehabilitation agencies. These offices have been established to educate and train handicapped persons to achieve their potential in employment. The services that are provided include counseling and guidance, special education and training, and financial and other assistance while an individual is receiving education and training.

When utilizing vocational rehabilitation agencies, handicapped persons must not be afraid to ask for certain services or programs. For example, if an individual wants to pursue a particular career goal, he must ask for a specific type of assistance aimed at obtaining that professional objective (e.g. tuition assistance while attending school). Handicapped persons must not automatically assume that if the vocational rehabilitation agency (or counselor) does not offer him a particular type of service or program, it is not available to him. Instead, handicapped people should question whether they are receiving the maximum amount of services and optimum benefit from programs offered by state vocational rehabilitation agencies.

During the last few years, programs have been established in every state designed to provide assistance to individuals afflicted with developmental disabilities (i.e. mental retardation, cerebral palsy, epilepsy, and other similar conditions). Developmental Disabilities Councils in each state coordinate and provide services to these individuals.

Handicapped individuals should contact their local vocational rehabilitation office and/or their state Developmental Disabilities Council, for complete information on services that may be available.

Programs and services do exist for handicapped persons. If you qualify, you should take advantage of them.

Vocational Rehabilitation Services and Training

91

The Federal Law

Types of Services

- Vocational Rehabilitation services which *may* be provided under this act include the delivery of goods or services necessary to render a handicapped individual employable, including:
    1. Evaluation of rehabilitation potential;
    2. Counseling, guidance, referral, and placement services;
    3. Vocational and other training services;
    4. Physical or mental restoration services;
    5. Maintenance (financial assistance while receiving training education, etc.);
    6. Interpreter services for deaf individuals;
    7. Reader services for blind individuals;
    8. Recruitment and training services to provide handicapped individuals with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, as well as other appropriate service employment;

9. Teaching, orientation and mobility services for the blind;
10. Occupational licenses, tools, equipment, and initial stocks and supplies;
11. Transportation in connection with the rendering of any vocational rehabilitation services;
12. Telecommunications, sensory, and other technological aids and devices.

U.S. Code, Title 29, Section 723,
(Public Law 93-112: Rehabilitation Act of 1973)

Types of Training

- Vocational training services shall include:
  1. Training with a view toward career advancement;
  2. Training in occupational skills;
  3. Related services, including work evaluation, work testing, and provision of occupational tools and equipment required by the individual to engage in such training;
  4. Payment of weekly allowance to individuals receiving such training and related services.

U.S. Code, Title 29, Section 772,
(Public Law 93-112: Rehabilitation Act of 1973)

CONTACT: For further information;

- **On federal guidelines and programs: Commissioner, Rehabilitation Services Administration Office of Human Development, Department of Health, Education and Welfare, Switzer Building, 330 C Street, SW Washington, DC 20201. Phone: (202) 245-8492.**
- **On the District of Columbia programs: Bureau of Rehabilitation Services, 122 C Street, NW, Rm. 816, Washington, DC 20001. Phone: (202) 629-5890.**
- **On the Montgomery County, Maryland Programs and Services for individuals under age 21: Department of Vocational Rehabilitation, 390 Martins Lane, Rockville, MD 20850. Phone: (301) 424-2750.**
- **On Montgomery County, Maryland Programs and Services for individuals over age 21: Department of Vocational Rehabilitation, 255 N. Washington St., Rockville, MD. Phone: (301) 424-2440.**
- **On Prince Georges County, Maryland Programs: Department of Vocational Rehabilitation, 5809 Annapolis Rd., Bladensburg, MD 20710. Phone: (301) 864-5678.**
- **On Virginia Programs: Department of Vocational Rehabilitation, Heritage Building, Suite 340, 7616 Little River Turnpike, Annandale, VA 22003. Phone: (703) 750-1300.**

State Compliance With Vocational Rehabilitation Requirements

The Federal Law

Denial of Federal Aid

- Should any of the above-mentioned provisions not be provided by a state program, the Department of Health, Education, and Welfare shall not make any further payments to the state.

U.S. Code, Title 29, Section 721,
(Public Law 93-112: Rehabilitation Act of 1973)

CONTACT: For further information, Commissioner, Rehabilitation Services Administration, Office of Human Development, Department of Health, Education, and Welfare, Switzer Building, 330 C Street, SW, Washington, DC 20201. Phone: (202) 245-8492.

Federal Vocational Rehabilitation Procedures

93

The Federal Law

Individualized Rehabilitation Program

- All state rehabilitation agencies are required to develop an individualized program for each client. This program is to be developed jointly by the rehabilitation counselor and the handicapped individual (or parent, or guardian).
- The program must include:
  1. A statement of goals;
  2. A statement of specific vocational rehabilitation services to be provided;
  3. The duration of each service;
  4. Evaluation procedure;
  5. Schedule for determining whether the goals and objectives are being achieved.
- The program must state the terms, conditions, rights, and remedies under which services are to be provided to the individual, as well as the goals to be attained.
- Each individual program must be reviewed at least annually.

U.S. Code, Title 29, Section 722
(Public Law 93-112: Rehabilitation Act of 1973)

Eligibility

- No residence requirement will be imposed which excludes any individual who is present in the State, from services.
- Any federal employee who has become disabled while in the performance of his duty shall be entitled to the same state vocational rehabilitation services as other persons.
- Special consideration will be given to the rehabilitation of public safety officers who have become handicapped while in the line of duty.

U.S. Code, Title 29, Section 721
(Public Law 93-112: Rehabilitation Act of 1973)

Denial of Services

- A decision that an individual is not capable of achieving a vocational goal and thus not eligible for vocational rehabilitation services may be made only in full consultation with the individual (or parents, guardian).
- The individualized written program shall specify the reasons for the determination of ineligibility.
- This decision shall be reviewed at least annually.

U.S. Code, Title 29, Section 722
(Public Law 93-112: Rehabilitation Act of 1973)

CONTACT: For further information, The Rehabilitation Services Administration, or your local Vocational Rehabilitation agency.

94

Federal Developmental Disabilities Services

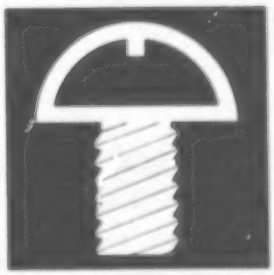
The Federal Law

Eligibility

- Each state receives federal funds to establish and maintain services which are required by developmentally disabled children and adults.
- "Developmental disabilities" include mental retardation, cerebral palsy, epilepsy, and other neurological conditions which are closely related to mental retardation or require similar treatment.
- To obtain these services, the disability must be a substantial handicap to the individual, must have originated before the individual reached age 18, and be expected to continue indefinitely.

U.S. Code, Title 42, Section 2670, 2674
(Public Law 91-517: Developmental Disabilities Act)

Services



- The services provided may include specialized services directed toward the alleviation of the disability, or toward the social, personal, physical, or economic development of the individual.
- Examples of these services are:
  1. Diagnosis, 2. evaluation, 3. treatment, 4. personal care, 5. day care, 6. special living arrangements, 7. training, 8. education, 9. sheltered employment, 10. recreation, 11. counseling for the individual and his family, 12. protective and other social and socio-legal services, 13. information and referral services, 14. follow-up services, 15. transportation services.

U.S. Code, Title 42, Section 2674
(Public Law 91-517: Developmental Disabilities Act)

CONTACT: For further information;

— **On Federal Programs: Developmental Disabilities Office, Department of Health, Education and Welfare, Washington, DC 20201. Phone: (202) 245-0772.**

— **On District of Columbia programs and services: The Planning Office, Developmental Disabilities of District of Columbia, 614 H Street, NW, Washington, DC. Phone: (202) 737-7162, or Information Center for Handicapped Children, 1619 M St. NW, Washington, DC 20036. Phone (202) 347-4986.**

— **On Maryland programs and services: Information and Referral Services, 1001 Calvert St., Baltimore, MD. Phone (301) 383-6523.**

— **On Virginia programs and services: Developmental Disabilities Planning and Advisory Council, 1108 East Main Street, Traveler's Building, Suite 400, Richmond, VA 23219. Phone (804) 770-7787.**

Lawyers and Organizations

Lawyers and Organizations That Will Handle Legal Rights Problems

Lawyer Referral Services

D. C. Bar Association Lawyer Referral Service
1819 H Street, N. W.
Washington, D. C. 20006
Phone: (202) 223-1484
This organization will provide the names of attorneys who will provide representation for a fee.

Arlington County Lawyer Referral Service
1400 N. Courthouse Road
Arlington, VA 22201
Phone: (703) 558-2243
This organization will refer persons seeking legal assistance to attorneys.

Alexandria Legal Aid and Referral Service
815 King Street
Room 611
Alexandria, VA 22314
Phone: (703) 750-6438 or 750-6420
This organization will refer persons seeking legal assistance to attorneys.

Fairfax County Lawyer Referral Service
4000 Chain Bridge Road
Fairfax, VA 22030
Phone: (703) 273-4010
This organization will refer persons seeking legal assistance to attorneys.

Prince Georges County Legal Aid and Lawyer Referral Service
County Service Building
5012 Rhode Island Avenue
Hyattsville, MD 20781
Phone: (301) 277-1180
This organization will refer persons seeking legal assistance to attorneys.

Montgomery County Lawyer Referral Service
17 Jefferson Street
Suite 105
Rockville, MD 20850
Phone: (301) 762-4940
This organization will refer persons seeking legal assistance to attorneys.

Assistance for Persons Who Cannot Afford a Private Attorney

American Civil Liberties Union
3000 Connecticut Avenue, N. W.
Washington, D. C. 20008
Phone: (202) 483-3830
The A.C.L.U. considers all requests for representation, but is selective about the cases it accepts, handling those few without a fee.

Legal Aid Society of the District of Columbia
666 11th Street, N. W.
Washington, D. C. 20001
Phone: (202) 628-1161
Legal aid will represent persons who cannot afford a private attorney.

Legal Aid Bureau
George Washington University National Law Center
2000 H Street, N. W.
Washington, D. C. 20006
Phone: (202) 676-7163

Law students under the supervision of attorneys will give legal assistance to persons who cannot afford a private attorney.

Neighborhood Legal Services
Washington, D. C.

635 F Street, N. W. 20004	**(202)**	**628-9161**
4800 Deane Street, N. E. 20019	**(202)**	**399-4310**
1343 H Street, N. W. 20005	**(202)**	**399-6431**
1219 Good Hope Road, S. E. 20020	**(202)**	**578-2000**
616 Portland Street, S. E. 20032	**(202)**	**561-0100**
1130 9th Street, N. W. 20001	**(202)**	**387-2500**
3308 14th Street, N.W. 20010	**(202)**	**472-4383**

Neighborhood Legal Services will represent a person who earns less than $71 per week plus $20 per week for each dependent.

Community Legal Clinic
George Washington University National Law Center
2906 Martin Luther King Avenue, S. E.
Washington, D. C. 20032
Phone: (202) 562-9027 or 676-7463 (4)

Barney Neighborhood House
16th and Irving Street, N. W.
Washington, D. C. 20010
Phone: (202) 232-1345

Senior Citizens Center
1737 Columbia Road, N. W.
Washington, D. C. 20009
Phone: (202) 483-1285

Law students under the supervision of attorneys will give legal assistance to persons who cannot afford a private attorney.

100

Arlington Legal Aid
2009 14th Street, North
Room 705
Arlington, VA 22201
Phone: (703) 558-2998
Legal assistance to persons who cannot afford an attorney.

Montgomery County Legal Aid
14 Maryland Avenue
Rockville, MD 20850
Phone: (301) 279-1245
Legal assistance to persons who cannot afford an attorney.

Urban Law Institute
Antioch Law School
1624 Crescent Place, N. W.
Washington, D. C. 20009
Phone: (202) 265-9500
Law students provide legal assistance to people meeting certain income requirements.

Fairfax County Lawyer Referral Service
4000 Chain Bridge Road
Fairfax, VA 22030
Phone: (703) 273-4010
Legal assistance to persons who cannot afford an attorney.

Consumer Affairs

District of Columbia Government Complaint Center **101**
1350 E Street, N. W.
Room 220
Washington, D. C. 20004
Phone: (202) 393-3333
Takes complaints with respect to all services of the D.C. government.

District of Columbia Office of Consumer Affairs
1407 L Street, N. W.
Washington, D.C. 20005
Phone: (202) 629-2617
This office receives complaints and investigates them for consumers.

Federal Trade Commission
Washington Regional Office
2120 L Street, N. W.
Washington, D. C. 20037
Phone: (202) 254-7700
This office receives complaints about deceptive sales practices, and investigates.

George Washington University Consumer HELP
2000 H Street, N. W.
Washington, D. C. 20037
Phone: (202) 785-1001
Law students investigate and mediate consumer complaints.

Montgomery County Consumer Affairs Office
Rockville, MD
Phone: (301) 340-1010
This office receives and investigates complaints against businesses in Montgomery county.

Prince Georges Consumer Protection Commission
Upper Marlboro, MD
Phone: (301) 627-3000, Ext. 561
This office receives and investigates complaints against businesses in Prince Georges county.

Arlington County Consumer Protection Commission
2049 15th Street, North
Arlington, VA 22201
Phone: (703) 558-2142
This office receives and investigates complaints against businesses in Arlington county.

Fairfax County Consumer Protection Commission
4301 University Boulevard
Fairfax, VA 20030
Phone: (703) 691-3214
This office receives and investigates complaints against businesses in Fairfax county.

U. S. Attorney's Office, Consumer Fraud Division
Constitution Avenue and John Marshall Place, N.W.
Washington, D. C. 20001
Phone: (202) 426-7561
This office receives and investigates complaints of consumer fraud.

U. S. Executive Office of Consumer Affairs
330 Independence Avenue, S.W.
Washington, D. C. 20003
Phone: (202) 245-6158
This office has publications on consumerism, and refers individuals to local consumer groups and organizations.

102

Other Resources

Community Law Offices, Inc.
1311 Columbia Road, N.W.
Washington, D. C. 20009
Phone: (202) 256-2336
This firm charges lower fees than many other firms, but will not accept a case if an individual qualifies for free legal services, or has an income over $13,000.

Law Offices of Washington
One Thomas Circle, N.W.
Washington, D. C. 20005
Phone: (202) 638-2600
This firm charges lower fees than many other firms, but will not accept a case if an individual qualifies for free legal services, or has an income of at least $15,000.

Property Rights and The Administrative Process Clinic
Georgetown University Law Center
412 5th Street, N.W.
Washington, D. C. 20001
Phone: (202) 624-8311
This project provides third year law students to represent claimants to Social Security disability benefits before a Social Security Administration administrative law judge.

Information Center for Handicapped Children
1619 M Street, N. W.
Washington, D. C. 20036
Phone: (202) 347-4986
This organization provides help in locating schools, clinics, tutoring, recreation or other services needed by handicapped persons in the Metropolitan D. C. area; publishes a "Directory of Services for Handicapping Conditions"; and provides information, referrals, and advocacy to handicapped persons of any age.

Center for Law and the Deaf
7th St. and Florida Ave., N.E.
Washington, D. C. 20002
Phone: (202) 447-0445 (6) (Voice or TTY)
Law students under the supervision of attorneys give legal assistance to deaf persons whose legal problems are directly related to or compounded by their disability.

District of Columbia Corporation Counsel
District Building, Rm. 329
Washington, D. C. 20004
Phone: (202) 629-3858
This office may help persons seeking the enforcement of laws in the District of Columbia.

District of Columbia Human Rights Commission
14th & E Streets, N.W.
Washington, D. C. 20004
Phone: (202) 629-4723
This office investigates complaints of discrimination, and can issue cease and desist orders.

District of Columbia Dept. of Insurance
614 H Street, N.W.
Washington, D. C. 20001
Phone: (202) 629-4514
This office will investigate complaints and has the power to suspend or revoke licenses.

THIS LIST WAS ASSEMBLED WITH THE ASSISTANCE OF THE D. C. PROJECT: COMMUNITY LEGAL ASSISTANCE AND STREET LAW.

Write for DIRECTORY OF ORGANIZATIONS INTERESTED IN THE HANDICAPPED, Committee for the Handicapped, People to People Program, Suite 610, LaSalle Building, Connecticut Avenue and L Street, Washington, D. C. 20036.

or

Use the DIRECTORY OF SERVICES FOR HANDICAPPING CONDITIONS found at all local public libraries.

END

☆ U.S. GOVERNMENT PRINTING OFFICE : 1976 O—205-548